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GENERAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN

IN THE YEAR 1869,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

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ATWOOD & RUBLEE, STATE PRINTERS, JOURNAL OFFICE.
1869.

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LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published the names and residences of the several state officers, the senators and members of the assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General Laws of* 1854, *chapter* 94.

NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	RESIDENCE.	
		POSTOFFICE.	COUNTY.
Lucius Fairchild	Governor	Madison	Dane.
Wyman Spooner	Lieut. governor	Elkhorn	Walworth.
Ed. E. Bryant	Private sec. gov	Madison	Dane.
Thomas S. Allen	Sec'y of state	Mineral Point	Iowa.
Eli A. Spencer	Ass't sec. of state	Sun Prairie	Dane.
William E. Smith	State treasurer	Fox Lake	Dodge.
William Ketcham	Ass't state treas.	Richland City	Richland.
Charles R. Gill	Attorney gener'l	Lake Mills	Jefferson.
John C. Spooner	Ass't att'y gen'l	Madison	Dane.
A. J. Craig	State sup't	Palmyra	Jefferson.
J. B. Pradt	Ass't state sup't	Madison	Dane.
Jeremiah M. Rusk	Bank comptroller	Viroqua	Vernon.
R. J. Chase	Dept. bank comp.	Madison	Dane.
Henry Cordier	State prison com'r.	Waupun	Dodge,
O. M. Conover	State librarian	Madison	Dane.
A. A. Meredith	Supt. pub. prop'ty.	Madison	Dane.
DIST.			
1. David Taylor	Senator	Sheboygan	Sheboygan.
2. W. J. Abrams	do	Green Bay	Brown.
3. Lyman Morgan	do	Ozaukee	Ozaukee.
4. Adam Schantz	do	Addison	Washington.
5. Wm. P. Lynde	do	Milwaukee	Milwaukee.
6. C. H. Larkin	do	Milwaukee	Milwaukee.
7. Henry Stevens	do	Caledonia Cent'r	Racine.

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
DIST.			
8. Anthony Van Wyck	Senator	Kenosha	Kenosha.
9. W. J Kershaw	do	Big Spring	Adams.
10. Curtis Mann	do	Oconomowoc	Waukesha.
11. Nelson Williams	do	Stoughton	Dane.
12. N. M. Littlejohn	do	Whitewater	Walworth.
13. H. H. Gray	do	Da lington	La Fayette.
14. S. S. Barlow	do	Delton	Sauk.
15. L. W. Joiner	do	Wyoming	Iowa.
16. Geo. C. Hazelton	do	Boscobel	Grant.
17. Chas. G. Williams	do	Janesville	Rock.
18. H. W. Lander	do	Beaver Dam	Dodge.
19. George Reed	do	Manitowoc	Manitowoc.
20. Ed. S. Bragg	do	Fond du Lac	Fond du Lac.
21. I. W. Fisher	do	Menasha	Winnebago.
22. William Young	do	Medina	Outagamie.
23. W. W. Woodman	do	Farmington	Jefferson.
24. Henry Adams	do	Monticello	Green.
25. Wm M. Griswold	do	Columbus	Columbia.
26. Carl Habich	do	Madison	Dane.
27. Charles M. Webb	do	Grand Rapids	Wood.
28. W. C. Copp	do	Prescott	Pierce.
29. Geo D. Waring	do	Berlin	Green Lake.
30. Wm. Ketcham	do	Richland City	Richland.
31. C. M. Butt	do	Viroqua	Vernon.
32. A. W. Newman	do	Trempealeau	Trempealeau.
33. Satterlee Clark	do	Horicon	Dodge.
Thomson, A. M., Speak'r	Member of Ass'mbly	Janesville	Rock.
Abert, George	do	Milwaukee	Milwaukee.
Adams, John	do	Black Earth	Dane.
Allen, Fayette	do	Durand	Pepin.
Arnold, Douglas	do	Williamsburg	Trempealeau.
Barron, Henry D	do	St. Croix Falls	Polk.
Baxter, J. B. G	do	Black River Falls	Jackson.
Bennett, Jesse	do	Sparta	Monroe.
Bennett, Van S	do	Weister	Vernon.
Bettis, B. H	do	Ladoga	Fond du Lac.
Bingham, J. M	do	Palmyra	Jefferson.
Bird, J. N. P	do	Wautoma	Waushara.
Blackstock, Thos	do	Sheboygan	Sheboygan.
Bohne, John H	do	Memee	Manitowoc.
Bottum, H. C	do	West Rosendale	Fond du Lac.
Brock, G. H	do	Potosi	Grant.
Buxton, Luther	do	Oshkosh	Winnebago.
Calwell, Sylvester	do	Cascade	Sheboygan.
Coates, Ben M	do	Boscobel	Grant.
Conklin, S. J	do	Waterloo	Jefferson.
Curtis, Joseph S	do	Green Bay	Brown.
Delaney, A. K	do	Horicon	Dodge.
Dewey, W. P	do	Lancaster	Grant.
Dieringer, Andrew	do	Auburn	Fond du Lac.
Donovan, Richard	do	Manitowoc	Manitowoc.
Drew, Patrick	do	Milwaukee	Milwaukee.
Evans, Rees	do	Beaver Dam	Dodge.
Fay, B. F	do	Prairie du Chien	Crawford.

CHAPTER 18.

[*Published February* 26, 1869.]

AN ACT to fix and establish the times for holding the terms of the circuit court in the several counties comprised in the first judicial circuit, and to regulate certain proceedings therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the first day of July, 1869, the terms of the circuit court for the several counties comprised in the first judicial circuit of this state shall be held in each year as follows: For the county of Green, on the Tuesday next after the first Mondays in September, February and June; for the county of Rock, on the fourth Mondays in November and April and the third Monday in August; for the county of Walworth, on the third Mondays in September and February, and the second Monday in June; for the county of Racine, on the second Mondays in October and March, and the third Monday in June; for the county of Kenosha, on the Wednesday next after the first Mondays in November and April, and on the second Monday in August. **Terms of first circuit fixed.**

SECTION 2. No jury shall be summoned for either of the terms of the circuit court herein appointed to be held in the months of June and August, but said court shall have power at such terms to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court without the intervention of a jury. **No jury to be summoned for June and August terms.**

SECTION 3. Until the first day of July, 1869, the several terms of the circuit court for the aforesaid counties shall be held at the times now fixed therefor by law. **No change till 1st of July, 1869.**

SECTION 4. The judge of said circuit court, by rule or order to be filed in the office of the clerk of said court, in the county to be affected thereby, may direct that any venires for a grand or petit jury to be issued in either of said counties be made returnable on any day later than the first day of the term of the court for which such jury is to be summoned, and such venires **Judge may make order for venires for juries.**

NAME.	OFFICE.	RESIDENCE.	
		POST OFFICE.	COUNTY.
Scheffel, John	Member of assembly	Milwaukee	Milwaukee.
Sessions, M. H.	do	Waupaca	Waupaca.
Sherman, Adelman	do	Janesville	Rock.
Semple, Parlan	do	Shawano	Shawano.
Smith, Geo. B	do	Madison	Dane.
Smith, John A	do	Geneva	Walworth.
Tarbell, S. E	do	Woodworth	Kenosha.
Thomas, Joseph M	do	Lone Rock	Richland.
Thompson, Thorn	do	Rio	Columbia.
Tichenor, Vernon	do	Waukesha	Waukesha.
Trask, G. W	do	Winneconne	Winnebago.
Turner, A. J	do	Portage City	Columbia.
Waller, N. P	do	West Salem	La Crosse.
Warner, W. S	do	Lamartine	Fond du Lac.
Wescott, Jefferson	do	Farmer's Grove.	Green.
West, Samuel C	do	Milwaukee	Milwaukee.
Wilcox, Randall	do	Depere	Brown.
Winslow, Joseph	do	Fort Atkinson	Jefferson.
Wyman Spooner,	Lt. gov. & pres't sen.	Elkhorn	Walworth.
G. C. Hazelton,	Pres't senate *pro tem.*	Boscobel,	Grant,
A. M. Thomson,	Speaker of assembly.	Janesville	Rock.
L. B. Hills,	Chief clerk of senate.	Waupun	Dodge.
J. S. Wilson,	Ass't clerk senate	Richland Center.	Richland.
E. W. Young,	Chief clerk assembly.	Prairie du Sac	Sauk.
W. M. Newcomb,	Ass't clerk assembly.	Darlington	La Fayette.

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

GENERAL LAWS.

CHAPTER 1.

[*Published January* 16, 1869.]

AN ACT changing the time of holding the February term of the circuit court of Dodge county, for the year 1869.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The next term of the circuit court in and for the county of Dodge, shall commence and be held on the Tuesday next succeeding the fourth Monday of February next, and all process and proceedings of whatever name or nature, returnable on the fourth Monday in February, 1869, shall be deemed returnable and returned on the said Tuesday. **When term shall be held.**

SECTION 2. This act shall apply only to the February term of said court for the year 1869, and all future terms of said court shall be and remain as now fixed by law. **Not to apply to future terms.**

SECTION 3. This act shall take effect immediately.

Approved January 15, 1869.

CHAPTER 2.

[*Published January* 27, 1869.]

AN ACT to regulate the time of holding the general terms of the circuit court for the sixth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When and where term shall be held.

SECTION 1. The general terms of the circuit court for the sixth judicial circuit shall hereafter be held as follows: In the county of Clark, on the first Tuesday of March and the first Tuesday of September in each year; in the county of Jackson, on the second Tuesday of March and second Tuesday of September in each year; in the county of Monroe, on the fourth Tuesday of March and the fourth Tuesday of September in each year; in the county of Trempealeau, on the fourth Tuesday of April and second Tuesday of October, in each year; in the county of Buffalo, on the first Tuesday of May and the third Tuesday of October, in each year; in the county of La Crosse, on the second Tuesday of May and the second Tuesday of November in each year, and in the county of Vernon, on the second Monday of June and the first Monday of December, in each year.

When writs, etc., shall be returnable.

SECTION 2. All writs, process, services, continuances, recognizances and proceedings heretofore issued, made, taken, entered into or commenced, or which may be issued, made, taken, entered into or commenced in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act, for holding the said general terms of court respectively, in the said several counties.

Repealed.

SECTION 3. All acts and parts of acts, so far as the same contravene or conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January, 26, 1868.

CHAPTER 3.

[*Published February* 2, 1869.]

AN ACT to provide postage stamps for the use of members of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent of public property is hereby authorized to procure and deliver to the lieutenant governor and each member of the senate and assembly, as soon as practicable, this, and at the opening of each annual session hereafter, postage stamps to the amount of twenty-five dollars, and of such denominations as those receiving such stamps may desire. **Superintendent to furnish stamps.**

SECTION 2. There is hereby appropriated out of the general fund of the state, not otherwise appropriated, a sufficient sum of money to carry this act into effect. **Appropriation.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 1, 1869.

CHAPTER 4.

[*Published February* 17, 1869.

AN ACT in relation to service of process.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever, in any action brought by the attorney general in the name of the state, against any banking association, organized under the laws of this state, the sheriff to whom the summons in such case has been or shall hereafter be delivered for service, shall make return thereon that no officer of such corporation **Sheriff shall make return.**

can after due diligence be found within his county, and that he is informed and believes that no such officer is a resident of the state, and shall verify the same by his affidavit, the attorney general shall cause a copy of such summons to be published in the state paper once in each week, for at least four successive weeks. Upon filing such proof of that publication as is required by subdivision three of section 13 of chapter 124 of the revised statutes with the clerk of the court in which such action is brought, the service of such summons shall be deemed complete, and the court shall proceed as though personal service had been made on such corporation.

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved February 16, 1869.

CHAPTER 5.

[*Published February* 20, 1869.]

AN ACT to provide for the payment of the expenses for the reception of the Minnesota legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to audit accounts.

SECTION 1. The secretary of state is hereby directed to audit all bills and accounts incurred for the proper reception of the legislature and state officers of the state of Minnesota, and issue his warrant therefor upon the certificate of the chairman and secretary of the joint committee of this legislature appointed upon reception.

Treasurer to pay warrant.

SECTION 2. The state treasurer is hereby required to pay all warrants issued agreeably to the provisions of section 1 of this act.

Appropriation.

SECTION 3. There is hereby appropriated, out of any money in the general fund not otherwise appropriated, a sum sufficient to pay all bills and accounts described in section 1 of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 17, 1868.

CHAPTER 6.

[*Published February* 18, 1869.]

AN ACT to amend section one of chapter 23 of the general laws of 1868, entitled "an act to provide for holding the annual meeting in school districts where graded schools are taught."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter twenty-three of the general laws of 1868, is hereby amended so as to read as follows: "Section 1. The annual meeting of all school districts in which graded schools of two or more departments are taught, shall be held on the second Monday of July in each year, at seven o'clock in the afternoon." **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1869.

CHAPTER 7.

[*Published February* 18, 1869.]

AN ACT to repeal chapter 155 of the general laws 1868, entitled an act to amend section 24 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 155 of the general laws of 1868, entitled "an act to amend section 24 of chapter **Repealed.**

13 of the revised statutes, entitled 'of counties and county officers,'" is hereby repealed, and said section 24 of chapter 13 of the revised statutes is hereby revived.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1869.

CHAPTER 8.

[*Published February* 25, 1869.]

AN ACT to provide for the appointment of a phonographic reporter for Columbia county, and fix his compensation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge to appoint phonographic reporter.

SECTION 1. The judge of the circuit court of the 9th judicial circuit is hereby authorized to appoint a phonographic reporter for the circuit courts of Columbia county, to be styled "official reporter of circuit courts of Columbia county," who shall be skilled in the practice of his art, and who shall hold his office until removed as hereinafter mentioned: *provided, however*, that the judge shall have power to remove said official reporter on account of incompetency, misbehavior or negligence in the discharge of his duty, the order for the same to be entered upon the record of either of the circuit courts in said circuit, and every vacancy caused by such removal, or by death, resignation or otherwise, to be filled by appointment as in the first instance.

Reporter to be sworn—his duties.

SECTION 2. The said reporter shall be a sworn officer of the court, and shall cause the proceedings in each case to be reported, unless otherwise specially directed by the judge, and he shall discharge such duties as the judge may direct, and when a transcript of the reporter's notes in any case is desired, the court shall direct the reporter to make a fair transcript of his notes in such case, and when so made, said tran-

script shall be filed in said court among the papers in said cause.

SECTION 3. The phonographic reporter shall be allowed a *per diem* compensation, to be fixed by the court, which shall be audited and certified, and paid in like manner as prescribed by law for the payment of the sheriff and other officers attendant upon the court: *provided*, that the said *per diem* compensation shall not exceed the sum of seven dollars *per diem*. **His compensation.**

SECTION 4. In addition to the above compensation, the reporter shall be allowed as fees a price per folio, to be fixed by the court, for making and furnishing transcripts of his short hand notes of the testimony or other proceedings in the court in the trial of any action, and the charges for such transcript, when made, shall be estimated and certified by the said presiding judge, and when so certified, shall be forthwith paid under the order of court, by the party on whose behalf the same was ordered, and the amount so paid shall be allowed and taxed as costs in said cause: *provided, however*, that the said transcript, when paid for, shall be filed in said court, among the papers in said cause, subject to be used by the respective parties as the court shall direct; *and provided, moreover*, that upon failure to pay said charges under such order of the court, the party or parties so failing may be proceeded against by attachment as in other cases, for non-compliance with the orders of the court; *and provided, moreover*, in trials upon indictment, the court may order a transcript to be made in cases of conviction, and the charges for the same shall be audited and paid for in the same manner as the reporter's *per diem* compensation. **Additional compensation.**

SECTION 5. The board of supervisors of Columbia county shall have power to te minate the operations of this act, by resolution of the board, at any annual session of the board in November. **Board of supervisors may terminate operations of act.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1869.

CHAPTER 9.

[*Published February* 20, 1869.]

AN ACT to regulate and fix the time for holding certain terms of the circuit court in the ninth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time fixed.

SECTION 1. The terms of the circuit court for the county of Dane shall hereafter be held on the first Wednesday next succeeding the first Monday of April, and on the first Wednesday next succeeding the first Monday of November, in each year, and all writs, process or recognizances, made returnable at the March term of said court as now appointed by law shall be deemed returnable at the April term hereby appointed, and all persons under bail to appear at said March term shall appear at the April term hereby appointed, and the jurors, both grand and petit, drawn for the March term shall be summoned and stand as the jurors for the April term, and all proceedings in said court or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable and continued to the term of said court to be held on the first Wednesday next succeeding the first Monday of April next. The jury term shall be held as now provided by law.

SECTION 2. This act shall take effect immediately on its publication.

Approved February 17, 1869.

CHAPTER 10.

[*Published February* 18, 1869.]

AN ACT to change the time of holding the general terms of the circuit court in the county of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That hereafter the general terms of the circuit court in and for the county of Portage, in the seventh judicial circuit of this state, shall be held on the first Monday in January, and the first Monday in July in each year. Time changed.

SECTION 2. All process, recognizances and other proceedings, made returnable to the terms now fixed by law, shall be returnable to the terms herein provided.

SECTION 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 17, 1869.

CHAPTER 11.

[*Published February* 18, 1869.]

AN ACT to repeal chapter 12 of the general laws of 1868, entitled "an act to amend section 29 of chapter 117 of the revised statutes, entitled 'of county courts.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 12 of the general laws of 1868, entitled "an act to amend section 29 of chapter 177 of the revised statutes, entitled 'of county courts,'" is hereby repealed, and said section 29 is hereby amended by inserting therein, after the [words] "upon such terms," the words, "and within such time." Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1869.

CHAPTER 12.

[*Published February* 18, 1869.]

AN ACT to extend to Calumet county the time for the payment of a portion of its state tax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended.

SECTION 1. The county of Calumet shall have time until the first Monday in February, 1870, for the payment to the state treasurer, of the sum of fifteen hundred dollars of the amount of the state tax, due and payable by said county in the month of February, 1869; and for the non-payment of the said sum of fifteen hundred dollars before the said first Monday of February, 1870, the said county shall incur none of the penalties provided by law for the non-payment of state taxes at the time required by law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1869.

CHAPTER 13.

[*Published February* 25, 1869.]

AN ACT to amend section 10, chapter 114, general laws of 1866, entitled "an act to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten (10) of chapter one hundred and fourteen (114) of the general laws of the year 1866, entitled "an act to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof," is hereby amended so as to read as follows: Section 10. The president of the university shall be president of the several faculties and the executive head of the institution, in all its departments. As such, he shall have authority, subject to the board of regents, to give general direction to the practical affairs and scientific investigations of the several colleges, and in the recess of the board of regents, to remove any employe or subordinate officer, not a member of the faculty, and to supply, for the time, any vacancy thus created; and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The secretary of the board of regents shall keep a faithful record of all the transactions of the board of regents, and perform such duties as they shall impose. The state treasurer shall be the treasurer of the board of regents and perform all the duties of such office, subject to such regulations as the board of regents may adopt, not inconsistent with the official duties of the office of state treasurer. **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1869.

ment by the clerk of the board of supervisors, he shall file the same in his office for reference."

Section 3 amended.

SECTION 2. Section three of said chapter 257, is hereby amended so as to read as follows, viz.: "County judges, court commissioners and justices of the peace, shall each be paid by the county, twelve cents per folio for such return, and six cents per mile for travel one way for making the same; and no such officer who shall neglect or refuse to make and return the statement required by the first section of this act, by the time in said section prescribed, shall be entitled to receive any compensation from the county for any service rendered by him in any criminal case or proceeding, during the year next preceding the time when such statement is required to be made and returned.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1869.

CPAPTER 32.

[*Published March* 2, 1869.]

AN ACT to repeal chapter 285 of the general laws of 1865, entitled "an act to authorize the secretary of state to audit certain accounts, and appropriating money for the payment of the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 285 of the general laws of 1865, entitled "an act to authorize the secretary of state to audit certain accounts, and appropriating money for the payment of the same," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 33.

[*Published March* 1, 1869.]

AN ACT to prevent the setting of guns, pistols or revolvers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person or persons in this state who shall hereafter set any gun, pistol or revolver, or any other firearms, for the purpose of killing deer or any other game, or for any other purpose, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding fifty dollars, and shall be imprisoned in the county jail of the proper county for a term of not less than twenty days. **Setting guns prohibited.**

SECTION 2. Any justice of the peace shall have jurisdiction to hear, try and determine any action arising under this act, and it shall be the duty of all county and town officers to prosecute for any violation of this act which shall come to their knowledge. **Justices shall have jurisdiction for violation of act.**

SECTION 3. This act shall be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 34.

[*Published February* 27, 1869.]

AN ACT to amend chapter 129 of the general laws of 1867, entitled "an act to amend chapter 110 of the revised statutes, entitled 'of the registration of marriages, births and deaths.'"

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. Hereafter it shall be the duty of the the register of deeds of the several counties in this state to return to the secretary of state, annually, **Amended—registers to make return of marriages to secretary of state.**

in the month of January of each year, a copy of the record of marriages, births and deaths of the preceding year, duly certified by them, instead of semi-annually, as provided in said chapter 129 of the general laws of 1867. It shall not be deemed necessary to return a copy of the index of said returns, unless specially required by the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1869.

CHAPTER 35.

[*Published March* 2, 1869.]

AN ACT to authorize the secretary of state to purchase Spencer's digest of the laws of Wisconsin.

The people of the state of Wisconsin, represented in senate assembly, do enact as follows:

Secretary of state to purchase Spencer's digest for members of legislature.

SECTION 1. The secretary of state is hereby required to purchase for the use of the legislature, any number of the digest of the laws of Wisconsin, compiled by E. A. Spencer, which can be obtained, not exceeding eighteen hundred: *provided*, the amount paid per copy shall not exceed the sum of one dollar and twenty-five cents, and the copies so purchased shall be put up in good half binding, similar to the binding of the general laws of 1868, and delivered to the members of the legislature prior to the adjournment of the present session.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to defray the expenses authorized by this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 36.

[*Published March* 2, 1869.]

AN ACT for the protection of buoys and beacons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person mooring any vessel to any of the buoys or beacons placed in any of the waters of this state by the United States light house board, or in any manner hanging on with a boat or vessel to any such buoy or beacon shall be beemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding the sum of fifty dollars, and be imprisoned in the county jail not exceeding thirty days; and any person who shall wilfully remove any such buoy or beacon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding the sum of two hundred and fif y dollars, and be imprisoned in the county jail not exceeding ninety days. Penalty for mooring vessels to or removing bouys and beacons.

SECTION 2. The district attorney of the county in which said buoy or beacon shall be situated, shall cause prosecution to be had, when requested in writing by any United States officer. District attorney shall prosecute.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 37.

[*Published February* 27, 1869.]

AN ACT relating to change of venue in criminal cases, and amendatory of section two (2), chapter 178 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two (2) of chapter 178 of the revised statutes is hereby amended by adding at the Amended.

end thereof as follows: "*provided*, such change shall not be awarded after the next term succeeding that at which the accused shall have been arraigned, unless such petition states facts showing the existence of prejudice on the part of the judge, unknown to the petitioner, at any term of the court prior to the making and filing of such petition: *provided*, that in all cases after a trial shall have been had without a verdict, the accuser shall be entitled to one change of venue if he or she desires it, and makes application therefor at the same term at which such trial was had."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 38.

[*Published March* 1, 1869.]

AN ACT to provide for the payment of the stationery of the legislative reporters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superintendent of public property to furnish stationery to reporters.

SECTION 1. The superintendent of public property is hereby authorized to furnish annually to the reporters of daily newspapers publishing the proceedings of the legislature, stationery to the amount of twenty dollars, upon the certificate of the publishers of such daily newspapers, showing that they have employed the person named in such certificate as reporter, to report for their paper during the entire session of the legislature, and that they intend to publish in their paper the daily proceedings of the legislature, which certificate shall receive the endorsement of the presiding officer of the house in which such reporter is engaged, to the effect that he is present and in the discharge of his duties as such reporter. But one person shall be entitled to draw stationery as reporter of any newspaper, and no person shall draw stationery as reporter for more than one branch of the legislature.

Approved February 25, 1869.

CHAPTER 39.

[*Published February* 27, 1869.]

AN ACT to repeal chapter 158 of the general laws of 1868, entitled "an act to amend chapter 45 of the revised statutes, entitled of marks and brands and filing chattel mortgages," and to restore sections 3, 4, 5, 6, 7 and 8 of chapter 45 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 158 of the general laws of 1868, entitled "an act to amend chapter 45 of the revised statutes, entitled of marks and brands and filing chattel mortgages," approved March 6th, 1868, is hereby repealed. **Repealed.**

SECTION 2. Sections 3, 4, 5, 6, 7 and 8 of said chapter 45 are hereby restored, re-enacted and declared to be of full force and effect, as said sections existed prior to the passage of said chapter 158. **Restored.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 40.

[*Published March* 2, 1869.]

AN ACT to declare the effect of certain conveyances as evidence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All deeds purporting to convey real estate or any interest therein, which are duly executed, acknowledged and recorded in the office of the register of deeds of the county in which the lands described therein are situate, and purporting to be made and executed by any sheriff, deputy sheriff, referee or other **Sheriffs and referees' deeds declared evidence.**

person in pursuance and by virtue of any judgment, order or decree of any court of record of this state, or in pursuance of any sale made under and in pursuance of any judgment, execution or order or decree of any court of record of this state, shall be received in evidence in all courts and judicial proceedings in this state without any proof of the judgment, execution, order or decree of the court, and in pursuance of which they purport to have been made, or of the sale upon which they purport to be founded. And all such deeds are hereby declared to be *prima facie* evidence in all courts and in all proceedings, that the title of the person or persons against whom the judgment was rendered, and by virtue of which the sale and deed purport to have been made, or of the person or persons whose real estate is directed to be sold by virtue of the order of the court under which the sale and deed purport to have been made, in the lands and real estate described in such deeds, passed to and vested in the grantee or grantees in such deeds.

Certified copies of same to be evidence.

SECTION 2. Duly certified copies of the records of the deeds and conveyances mentioned in the foregoing section, shall be received in evidence, and have the same force and effect as evidence, as is given to the original deed or record thereof, by virtue of the provisions of the foregoing section of this act.

To apply to deeds heretofore executed.

SECTION 3. The provisions of this act shall apply to deeds and conveyances heretofore executed and recorded, as well as to those hereafter executed and recorded.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1869.

CHAPTER 41.

[*Published February* 27, 1869.]

AN ACT to legalize jury lists in Wood county.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

SECTION 1. The list or lists of names selected by the county board of supervisors of Wood county on the 31st day of December, 1868, from which to draw jurors in and for said county for the year 1869, are hereby declared to be a legal jury list or lists for said county, and all persons drawn as jurors from said list or lists, or either of them, in the year 1869, shall be legal jurors and required to serve as such, precisely as if such list or lists had been made in conformity with the law relating to jury lists and jurors in force on the thirty-first day of December 1868. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1869.

CHAPTER 42.

[*Published February* 27, 1869.]

AN ACT to amend section 2 of chapter 170 of the general laws of 1867, entitled "an act to facilitate the recovery of judgments."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 170 of the general laws of 1867, entitled "an act to facilitate the recovery of judgments" is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1869.

CHAPTER 43.

[*Published March* 1, 1869.]

AN ACT to authorize the board of supervisors of the county of Milwaukee to fix the salary of the circuit judge of the second judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors may fix salary.

SECTION 1. The board of supervisors of the county of Milwaukee are hereby authorized to fix the salary of the circuit judge of the second judicial circuit, at a sum not exceeding four thousand dollars per annum: *provided*, the excess of said salary over and above the sum of twenty-five hundred dollars per annum should be paid by the county of Milwaukee.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 27, 1869.

CHAPTER 44.

[*Published March* 5, 1869.]

AN ACT to authorize the taking of depositions in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How testimony of non-residents may be taken.

SECTION 1. When the testimony of any person shall be necessary in any civil cause pending in any court of record in this state, and such person shall not be a resident of this state or shall live at a greater distance from the place of trial than one hundred miles, or is about to go out of this state before the time of trial, or is old or very infirm, the deposition of such person may be taken, *de benne esse*, before any justice or judge of any of the courts of the United

States, justice or judge of any court of record of a state, mayor or chief magistrate of a city, or before any court commissioner, notary public or justice of the peace of any state or territory in any of the United States, not being of council or attorney to either of the parties, or interested in the event of the cause: *provided*, that a notification from the magistrate or officer before whom the deposition is to be taken, or from the attorney of the party in whose behalf such deposition is to be taken, to the adverse party to be present at the taking of the same, and to put interrogatories if he think fit, be first made out and served on the adverse party or his attorney, as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And every person deposing as aforesaid, shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the magistrate or persons taking the deposition, or by the deponent in his presence. And the deposition so taken shall be retained by such magistrate until he deliver the same with his own hand, into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid, of their being taken and of the notice if any, given to the adverse party, be by him, the said magistrate or person, sealed up and directed to such court, and remain under his seal until opened in court by order of the presiding judge; and any deposition thus taken may be used and read in any trial of the cause in which the same was taken.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 45.

[*Published March* 4, 1869.]

AN ACT to provide stationery and postage stamps for officers and employes of the senate and also of the assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superintendent of public property to furnish stationery to officers and employees of senate.

SECTION 1. The superintendent of public property is hereby directed to furnish to the chief clerk of the senate, the assistant clerk, clerks of the judiciary committees of the senate and assembly, clerks of the engrossing and enrolling committees of the senate and assembly, clerk of the committee on claims, enrolling clerk, book-keeper, engrossing and transcribing clerks, sergeant-at-arms, assistant sergeant-at-arms, postmaster, assistant postmaster, five door-keepers, night-watch, porter and fireman, and messenger of the lieutenant governor, stationery to the amount of fifteen dollars and postage stamps to the amount of five dollars each, also to each messenger of the senate and assembly, stationery to the amount of five dollars, and to the chief clerk of the assembly, assistant clerk, book-keeper, enrolling clerk, engrossing clerk, transcribing clerk, sergeant-at arms, his assistants, the postmaster and his assistants, two porters and six door-keepers, stationery to the amount of fifteen dollars and postage stamps to the amount of five dollars each.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient for the payment of the above amounts.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 46.

[*Published March 4, 1869.*]

AN ACT to protect the lands and timber thereon, granted to the St. Croix and Lake Superior railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor may appoint agents to protect timber on lands donated to railroad companies

SECTION 1. The governor of the state of Wisconsin is hereby authorized and empowered to appoint one or more competent persons as agents of the state, who shall hold office during the pleasure of the governor, and whose duties shall be to preserve and protect the timber growing or being upon any of the lands heretofore granted by congress to the state of Wisconsin, to aid in the construction of railroads, approved June 3, 1856, and which were granted by the state to the St. Croix and Lake Superior railroad company, for the purpose of aiding in building a railroad from the river or lake St. Croix, between townships twenty-five and thirty-one, to the west end of Lake Superior and to Bayfield, and upon any and all lands now reserved from market, from which said company are to select lands.

Duties of the agents.

SECTION 2. It is hereby made the duty of said agent or agents, to take into possession, on behalf and in the name of the state of Wisconsin, any and all logs and timber which may be cut on or carried away from said premises without lawful authority, by any person or persons wherever the same may be, and sell and convert the same into money, which shall be immediately paid into the state treasury, less the necessary costs and expenses incurred in the recovery and sale of such property: *provided*, that such sale of timber or logs so seized shall be made at public auction to the highest bidder for cash. The time and place of any such sale shall be published for three successive weeks prior thereto, in a newspaper published in the county where such sale is to be held, if there is a newspaper published in such county, and ten days' notice thereof shall

CHAPTER 48.

[*Published March* 5, 1869.]

AN ACT to amend section 53 of chapter 19 of the revised statutes, relating to highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 53 of chapter 19 of the revised statutes is hereby amended so as to read as follows, to-wit: When any six or more freeholders or applicants for a homestead, occupying the same, residing in any town shall wish to have a highway laid out, altered or discontinued in such town, they may make application in writing to the supervisors of the town in which they reside for that purpose, and the said supervisors shall proceed to lay out, alter or discontinue such highway, if in their opinion the public good will thereby be promoted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 49.

[*Published March* 5, 1869.]

AN ACT to repeal sections 15 and 16 of chapter 11 of general laws, passed at extra session of 1862, and relating to the issuing of certificates of election by clerks of the board of supervisors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Sections Nos. 15 and 16 of chapter 11 of general laws of Wisconsin, passed at the extra session of 1862, entitled "an act to enable the militia and volunteers of this state in the military service of the United States or of this state, to exercise the right

of suffrage," approved September 25, 1862, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 50

[*Published March 5, 1869.*]

AN ACT to promote and encourage education.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

District boards and boards of education may provide for instruction in foreign languages.

SECTION 1. The district board of any school district, or the board of education of any incorporated village or city in this state, may provide for the instruction of the pupils of the common schools in their district, or such as may desire it, in any of the foreign languages, not to exceed one hour each day: *provided*, the teacher of such school is competent to give such instruction, or a proper instructor for such purpose can be obtained.

SECTION 2. All acts or parts of acts so far as they are inconsistent with this act are hereby repealed.

Approved March 3, 1869.

CHAPTER 51.

[*Published March* 8, 1869.]

AN ACT to repeal chapter 134 of the general laws of 1868, entitled "an act to amend chapter 18 of the revised states, entitled of the assessment and collection of taxes, and to restore section 65 of chapter 18 of the revised statutes, entitled of the assessment and collection of taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 134 of the general laws of 1868, entitled "an act to amend chapter 18 of the revised statutes, entitled of the assessment and collection of taxes," is hereby repealed.

Restored.

SECTION 2. Section 65 of chapter 18 of the revised statutes of Wisconsin, entitled "of the assessment and collection of taxes," is hereby restored and declared to be in force.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 52.

[*Published March* 5, 1869.]

AN ACT to amend section five of chapter 167 of the general laws of 1864, entitled "an act to establish lumber districts in this state, and to regulate the traffic in logs, timber and lumber in said districts."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section five (5) of chapter one hundred and sixty-seven (167) of the general laws of 1864, is hereby amended so as to read as follows, to wit: Each inspector may divide his district into such number of

subdistricts as he may deem best, and for each subdistrict as well as for any specific purpose, may appoint one or more deputies, for whose conduct and fidelity in the discharge of his or their duties as such, he shall be responsible upon his official bond. And for the purpose of carrying out the objects of this act, each of said lumber inspectors shall have power and authority to administer oaths to their several deputies, or for any purpose relating to the duties of their office.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 53.

[*Published March 6, 1869.*]

AN ACT concerning proceedings by garnishment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases wherein any person or corporation shall be served with notice and affidavit under the provisions of any law of this state relating to garnishment, except garnishment on execution, the liability of such person or corporation as garnishee shall cease and be discharged, unless the plaintiff in the action, within ten days after such service on such person or corporation shall file in the office of the clerk of the court in which the action is pending wherein the garnishment is made, his complaint duly verified, stating the amount of the indebtedness of the defendant in the action to him, over and above all legal set-off, and the circumstances out of which such indebtedness accrued. **When liability of garnishee shall cease.**

SECTION 2. Whenever any complaint shall be filed as is provided in the first section, and the defendant therein shall desire to discharge the person or corporation garnisheed as aforesaid from liability upon such garnishment, he may file with the clerk of the court aforesaid, a written undertaking in the action, in double **How garnishee may be discharged.**

the amount claimed in said complaint, with at least two sureties, who shall justify that they are worth in the aggregate double the amount specified in such undertaking, over and above all debts, liabilities and property exempt by law from execution, conditioned to pay the plaintiff the amount of the judgment, if any, which the plaintiff may recover in the action against the defendant, and serve a copy thereof, with the justification of such sureties and notice of the time of filing the same and of the residence of such sureties, upon the plaintiff or his attorney: *provided however*, that the plaintiff may except to the sufficiency of the sureties within the same time, in like manner as upon bail on arrest, and a failure so to except shall be deemed an acceptance of the undertaking, and a discharge of the garnishee.

How sureties to justify under exceptions.

SECTION 3. Whenever the plaintiff shall except to the sureties in such undertaking, they shall justify upon oath touching their responsibility, before a judge of the court in which the action is pending, a court commissioner or county judge, in the same manner and upon like notice as a justification of sureties upon bail or arrest; and when they shall have justified to the satisfaction of the officer before whom the justification is had, he shall endorse his approval upon the undertaking.

If plaintiffs fail to except, garnishee to be discharged.

SECTION 4. Whenever the plaintiff shall fail to except as aforesaid, and whenever the sureties shall justify and the undertaking shall be approved as aforesaid, the garnishee shall be discharged from all further liability in the action.

Act to apply to all cases pending.

SECTION 5. This act shall apply to cases now pending: *provided*, that in all cases where the complaint has not been verified and filed, the plaintiff shall be at liberty to file the same with a verification, within such reasonable time as the court in which the action is pending may direct; *and provided*, that in no case wherein garnishee proceedings have been instituted prior to the passage of this act, shall the garnishee be discharged from liability, except by order of the court.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 54.

[*Published March* 6, 1869.]

AN ACT to codify the laws of this state relating to "strays."

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

SECTION 1. No person shall take up any stray except horses and mules, unless such person shall be at the time a resident of the same town wherein such stray shall be found, nor unless such stray shall be found upon the lands owned or occupied by the finder. **Who may take up strays.**

SECTION 2. Any person taking up a stray, shall within seven days thereafter, notify the owner thereof, if to him known, and request such owner to pay all reasonable charges and take such stray away. **Shall notify owners.**

SECTION 3. If the owner of any stray be unknown, the finder shall within ten days after taking up the same, file a notice thereof with the town clerk of the town, and if the stray or strays so taken up are of the value of less than five dollars, he shall also post up notices of the taking up of such stray in two or more public places in such town; but if the stray or strays so taken up are of the value of more than five dollars, he shall cause such notice to be published for four weeks successively in some newspaper printed in the county in which he resides, unless there shall be one printed still nearer his place of residence in an adjoining county, in which case he may publish it in either paper, at his option; and in case there shall be no newspaper printed within twenty miles of the residence of the finder of such stray or strays, he shall post up written notices in three of the most public places in the county in which he resides. All said notices shall contain a brief description of the stray, describing the same by giving marks, natural and artificial, and as near as practicable, the name and residence of the finder, and as near as may be the time at which the same was taken up. The said town clerk shall transmit a copy of every such notice to the clerk of the board of county supervisors; and any person taking up or finding any such **If owner be unknown, how to proceed.**

stray or strays, who shall neglect or refuse to post up and publish such notice as provided in this section, shall be liable to the owner of such strays in double the amount of damage sustained by reason of such neglect or refusal. And if any person so taking up or finding such stray or strays, shall for the space of one year neglect or refuse to post up and publish such notices as required by law, including the section, township and range in which he lives, he shall, howsoever [moreover], be liable to pay to the town treasurer, of the town where he resides the full value of such stray or strays, to be sued for and recovered in the name of said town treasurer, before any justice of the peace in the county; and such money so recovered shall be paid over to said town treasurer, and by him distributed as school money, in the manner now provided for the payment of school moneys that come into the hands of town treasurers.

Penalty for neglect to give notice.

Finder shall cause stray to be appraised.

SECTION 4. Every finder of stray or strays, which when taken up are of the value of ten dollars or more, shall, within one month after taking up the same, procure an appraisal thereof by a justice of the peace of his town, which appraisal shall be certified to by such justice, and within the time before mentioned, filed in the office of the town clerk of such town; and he shall pay to such justice fifty cents for such appraisal and certificate, and six cents for every mile necessarily traveled in such service.

Stray to be restored on payment of charges

SECTION 5. If the owner or person entitled to the possession of any stray shall appear at any time within one year after the notice is filed with the town clerk as aforesaid and make out his right thereto, he shall have such stray restored to him upon paying all lawful charges which have been incurred in relation to the same.

If owner and finder connot agree, how proceed.

SECTION 6. If the owner and the finder of any stray cannot agree upon the amount of such charges, or for the use of such stray, either party may make application to any justice of the peace of the town where such stray was taken up, to settle the same, and the party making such application shall give notice thereof to the other party; and if any amount shall be found due to the finder by the said justice, over the value of the use of such stray, the same shall be a lien on said stray until paid by the owner, and the costs of

such adjudication shall abide the decision of the justice.

SECTION 7. If the owner or person entitled to the possession of any stray shall not appear and make out his title thereto, and pay the charges thereon, within one year from the time the notice is filed with the town clerk as aforesaid, and if such stray shall not have been appraised at a greater value than ten dollars, the finder shall have a perfect title to the same; but if the appraised value of such stray shall have been adjudged to be more than ten dollars, as provided in the fourth section of this chapter, such stray shall be sold at the request of the finder by any constable of the town at public auction, upon first giving public notice thereof in writing, by posting up the same in three of the most public places in such town at least ten days before such sale, and the finder may bid therefor at such sale; and after deducting all the lawful charges of the finder as aforesaid, and the fees of the constable, which shall be the same as upon a sale on an execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the town, to be disposed of in such manner as the town may direct, and the other half shall belong to the finder. The finder shall make out a statement in writing under oath, of his lawful charges aforesaid, which statement he shall deliver to the constable at the time of making the sale, who shall cause the same to be filed in the office of the town treasurer of the town where such stray was taken up; and that portion of the proceeds of such sale to be deposited in the town treasury of the town, shall be so deposited by said constable within ten days after the time of making such sale.

If owner shall not claim stray within one year, how proceed.

SECTION 8. If any person shall without the consent of the finder, take away any stray taken up pursuant to the provisions of this chapter, without first paying all the charges incurred in relation to the same, he shall be liable to the finder for the value of such stray.

Stray not to be taken away till charges paid.

SECTION 9. If the finder of any stray shall neglect to cause the same to be advertised or a notice thereof to be posted up, or if he shall neglect to procure the appraisal of any stray which shall be of the value of ten dollars or more, or if he shall neglect to perform any of the duties required of him in this chapter, he shall be precluded from acquiring any right of prop-

Penalty for neglect to advertise and appraise.

erty in such stray by the provisions of this chapter, or receiving any damages or charges for keeping the same.

SECTION 10. All acts and parts of acts the provisions of which are fully embraced in this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 55.

[*Published March* 8, 1869.]

AN ACT to provide for stereotyping the reports of the decisions of the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supreme court reporter may procure reports stereotyped.

SECTION 1. The reporter of the decisions of the supreme court shall cause to be stereotyped the plates of all volumes of such reports as shall hereafter be published, and shall deliver to the secretary of state five hundred and fifty (550) copies of each volume hereafter published and stereotyped, the same to be of the same style and quality as volume twenty-one of the Wisconsin reports, and to contain not less than seven hundred and fifty pages, and upon furnishing to the secretary of state satisfactory proof of having stereotyped the plates of such volumes, the said reporter shall receive from the state the sum of four dollars and fifty cents for each copy so furnished, to be audited by the secretary of state, and paid by the state treasurer on the warrant of the secretary of state, out of any money not otherwise appropriated.

Price per volume of reports.

SECTION 2. The said reporter shall sell said volumes at a price not exceeding four dollars and fifty cents per copy to all residents of this state, and no greater price shall be received by said reporter or by the publishers, or by his or their agents or assigns, or either of them.

SECTION 3. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 56.

[*Published March 6, 1869.*]

AN ACT to authorize the appointment of a phonographic reporter in certain counties of the tenth judicial circuit of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The judge of the tenth judicial circuit of the state of Wisconsin is hereby authorized and empowered, as he shall deem advisable, to appoint one or more phonographic reporters in said circuit, to act in the counties of Winnebago, Brown and Outagamie or either of them, and such reporter or reporters shall be a resident of said circuit. **Judge of tenth circuit may appoint phonographic reporter.**

SECTION 2. Such reporter shall attend each circuit court in said counties when required by the judge thereof, and shall report such matters or proceedings thereof as shall be required by the court. **Reporter to attend in each county where required.**

SECTION 3. Such reporter shall receive such compensation for each day's service in the courts of said counties, as shall be fixed from time to time by the judge of said circuit, not to exceed seven dollars per day, for each day's actual attendance upon the court by the order of the judge thereof, which shall be certified to by the judge and audited and paid by the respective counties aforesaid, in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, that only one reporter shall be employed at the same time at the same term of court. **Compensation of reporter.**

SECTION 4. Such reporter shall within a reasonable time after demand from any person, furnish a copy (to **Shall furnish copies of proceedings.**

be written out in full) of any matter or proceedings by him so reported, for which copy he shall be entitled to receive (to be paid in advance if by him required) ten cents per folio.

Shall report in full, and his compensation therefor.

SECTION 5. Such reporter shall take the evidence in full in all cases referred to him by the court, to take the evidence therein, and report the same (written out in full) to the court, and shall receive as a compensation therefor the sum of fifteen cents a folio, to be taxed and paid as any other costs in the suit, the county under no circumstances to be liable therefor.

Shall take official oath.

SECTION 6. Such reporter before entering upon the duties of his office in any county, shall take, subscribe and file with the clerk of the court, an official oath, obligating himself to fairly and accurately report all matters and proceedings of every kind which he shall be required to report, and that whenever he shall furnish a copy thereof as herein required, he will furnish a true, accurate and correct copy thereof, to the best of his ability, and that he will discharge the duties of such reporter at all times honestly, fairly, impartially and to the best of his abilities.

When reporter takes evidence, court need not wait for attorneys to do the same.

SECTION 7. Whenever any such reporter as aforesaid, shall so take the evidence in any case on the trial thereof, the court shall not wait for the attorney or council therein to take the same.

Reporter when required shall furnish copy of preceding day's evidence.

SECTION 8. On the trial of any cause before a jury, such reporter shall at the opening of the court, each morning, furnish, if demand therefor is made at or before the close of court on the day before, a copy, written out in full, of the evidence therein introduced the day before, or of the evidence of any particular witness or witnesses, sworn therein the day before: *provided, however*, that such reporter shall not be compelled to furnish to exceed two copies, one to the plaintiff and the other to the defendant therein, and he shall receive as a compensation therefor, fifteen cents a folio, to be paid in advance, if required.

Judge may remove reporter.

SECTION 9. The judge of said circuit at his discretion, may remove any such reporter. The said judge may fill any vacancy that shall occur by reason of removal or otherwise.

In murder trials reporter to report evidence without compensation.

SECTION 10. It shall be the duty of such reporter without compensation, when he shall report the evidence or testimony on the trial of any person in-

dicted for murder, to report the same in full, and write the same out in full and deliver the same to the clerk of the court in which said trial is had, who shall file the same; and whenever on the trial of a murder case the evidence or testimony shall be so reported, the judge presiding at the trial shall not be required to keep minutes of the evidence or testimony, as required by section four (4), chapter one hundred and eighty two of the revised statutes, entitled "of pardons."

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 57.

[*Published March 5, 1869.*]

AN ACT to impose a penalty for prize fighting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for prize fighting.

SECTION 1. Every person who shall, by previous arrangement or appointment, engage in a fight with another person for the possession of any prize, belt or other evidence of championship or for any other cause, shall be punished by imprisonment in the state prison for a term not exceeding five years nor less than one year, or by fine not exceeding three thousand dollars nor less than one thousand dollars.

Persons present and encouraging fight, to be punished.

SECTION 2. Every person who shall be present at such fight as aid, second or surgeon, or shall encourage, advise or promote such fight, shall be punished by imprisonment in the state prison, for a term not exceeding three years nor less than six months, or by a fine not exceeding one thousand dollars nor less than three hundred dollars.

Penalty when persons leave the state to engage in fight.

SECTION 3. Every person being an inhabitant or resident of this state, who shall, by previous arrangement or appointment, made therein, leave this state and engage in a fight with another person without the limits of this state, shall be punished by imprisonment in the

state prison for a term not exceeding three [years] nor less than six months or by a fine not exceeding one thousand dollars nor less than three hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 58.

[*Published March* 6, 1869.]

AN ACT to more effectually protect lands belonging to counties from the depredations of trespassers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for taking timber or mineral from lands belonging to counties.

SECTION 1. Any person who shall wilfully cut down or destroy, or by girdling or otherwise, shall injure any trees growing or situated on any lands owned by any county in this state, or who shall wilfully cut or take, carry or haul away from any such lands any wood or timber previously cut or severed from said lands, or who shall dig, take or carry away any mineral or other thing of value which would depreciate the value of such lands, without first having obtained a license therefor from the county board of supervisors, shall be adjudged guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than ten dollars nor more than one hundred dollars.

Actions against trespassers may be commenced by sheriffs, justices, etc.

SECTION 2. It is hereby made the duty of all sheriffs, justices of the peace, constables, supervisors of towns and county supervisors, who may have knowledge of, or who may receive information of any offense mentioned in section one of this act, committed within the county in which they are officers, and any other person, may forthwith commence an action in the county in which said offence was committed, in the name of the state of Wisconsin, for the recovery of the fine mentioned in section one of this act.

Justices shall have jurisdiction.

SECTION 3. Justices of the peace shall have concurrent jurisdiction with the circuit court in all actions

instituted under the provisions of this act, and the question of title shall in no case under this act arrest such justice of jurisdiction: *provided*, that either party shall have the right of appeal as in other cases tried before justices of the peace.

Act not to prevent actions by counties.

SECTION 4. This act shall not be so construed as to prevent any county in this state from maintaining an action in its corporate capacity for the recovery of any damage such county may sustain by reason of any trespass upon any lands owned by such county.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 59.

[*Published March* 5, 1869.]

AN ACT relating to tunnels under the highway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Owners of land may construct tunnels under highways.

SECTION 1. Any person owning lands lying on both sides of any highway in this state is hereby authorized to construct a tunnel under such highway, also the necessary fences for the passage of stock, and other purposes across the same, in such manner as will not interfere with or endanger travel on such highway.

Dimensions of tunnels.

SECTION 2. All tunnels which may be constructed under authority given by this act shall not be less than twenty feet in length, and shall be maintained by the person constructing the same, and the owner of such property shall be liable for all damage which may be occasioned by reason of the failure to keep the same in repair.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 60.

[*Published March* 5, 1869.]

AN ACT to amend chapter one hundred and thirty-three of the revised statutes, entitled "of costs and fees."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Constables' fees for travel.

SECTION 1. Constables may be allowed to receive the following fees: For each mile actually traveled, going and returning to serve any process, or to give or post up notices, ten cents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 61.

[*Published March* 5, 1869.]

AN ACT to prevent under sheriffs and deputy sheriffs from holding the office of county supervisor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Under sheriffs and deputies not to be elected county supervisors.

SECTION 1. No person holding the appointment of under sheriff or deputy sheriff in this state, shall at the same time hold the office of county supervisor, or by virtue of any other office act as a county supervisor, and any person holding the office of county supervisor in any county in this state, who shall accept the appointment of under sheriff or deputy sheriff, or shall act as such under sheriff or deputy sheriff, shall by so doing, be deemed to have resigned his office of county supervisor, and such office of county supervisor shall thereupon become vacant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 62.

[*Published March* 8, 1869.]

AN ACT to increase the number of county supervisors in the county of Green, and to provide for their election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. At the first annual town meeting after the passage of this act, to-wit, 1869, the electors of the supervisors representing the even numbered district in said county shall elect two additional supervisors, whose term of office shall expire at the same time and who shall be elected in the same manner as the supervisor for such district is now elected, and the electors of the supervisors representing the odd numbered districts in said county shall elect two additional supervisors in each district, whose term of office shall expire at the same time and who shall be elected in the same manner as the supervisors for said districts are now elected, and at each succeeding general election thereafter for the election of county supervisors, three supervisors shall be elected for the term of two years in each supervisor district. **Number increased.**

SECTION 2. The supervisors elected at the aforesaid town meeting shall meet with the county board of supervisors in the county of Green, at their first meeting after their election, and qualify by taking the oath of office as now provided by law in relation to county boards of supervisors, and shall thereby become members thereof, with all the powers and duties now conferred upon such county boards of supervisors. **Shall meet with county board at first meeting.**

SECTION 3. All acts or parts of acts contravening the provisions of this act, so far as the same may relate to the county of Green, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 63.

[*Published March 6, 1869.*]

AN ACT relating to the discharge of judgments in courts of record.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Court may authorize attorney to discharge judgment.

SECTION 1. Whenever a judgment rendered in any court of record shall have been fully paid, and the docket of such judgment shall not be canceled and discharged as provided in chapter one hundred and thirty-two of the revised statutes, the court in which such judgment was recovered may, upon satisfactory proof that such judgment has been paid in full, authorize the attorney of the judgment creditor to cancel and discharge the docket of such judgment, or the court may make an order canceling and discharging the docket of such judgment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 64.

[*Published March 6, 1869.*]

AN ACT to regulate the manner of selecting jurors in certain counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Revived.

SECTION 1. Section three of chapter 118 of the revised statutes, is hereby revived and declared to be of

full force: *provided*, this act shall apply to the counties of Wood, Adams, Juneau, Marathon, Waupaca, Columbia, Chippewa, Dunn, La Crosse and Portage, and to no other counties.

SECTION 2. Chapter 112 of the general laws of 1866, and chapter 17 of the general laws of 1868, shall not apply to the counties named in section one of this act. Not to apply.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 65.

[*Published March* 16, 1869.]

AN ACT to amend section 9 of chapter 123 of the revised statutes, entitled "of the place of trial of civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 163 of the general laws of 1868, entitled "an act to amend chapter 123 of the revised statutes, entitled of the place of trial of civil actions," is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 3, 1869.

CHAPTER 66.

[*Published March* 6, 1869.]

AN ACT to amend chapter 139 of the revised statutes, entitled "of appeals and writs of error and proceedings thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In actions for divorce, time for appeal limited.

SECTION 1. The time for taking an appeal to the supreme court from a judgment in action for divorce, is hereby limited to six months from the date of such judgment: *provided, however*, that nothing herein shall affect the right of appeal from any judgment of divorce heretofore rendered until the end of three months from the time this act takes effect: *provided*, this act shall not apply in cases where the defendant has not been previously served with the summons, or actually received copy of the summons and complaint through the mail, or where the defendant shall not have appeared and defended the action.

SECTION 2. This act shall be in force from its passage and publication.

Approved March 3, 1869.

CHAPTER 67.

[*Published March* 6, 1869.]

AN ACT to repeal chapter 54 of the general laws of 1867, an act entitled "to amend section 4 of chapter 481 of the general laws of 1864, entitled 'an act to reduce the expenses of the courts of Milwaukee county.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 54 of the general laws of 1867, an act entitled "to amend section 4 of chapter 481 of

the general laws of 1864, entitled 'an act to reduce the expenses of the courts of Milwaukee county,'" is hereby repealed, and the said section 4 of chapter 481 of the general laws of 1864, is hereby revived, re-enacted and declared to be in full force and effect. Revived.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 68.

[*Published March 6, 1869.*]

AN ACT relating to the manner of commencing civil actions, and amendatory of section 9 of chapter 124 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 9 of chapter 124 of the revised statutes, entitled "of the manner of commencing civil actions," is herby amended by adding to said section the following words: "and in all cases, the officer or person making such service, shall indorse on such copy, over his signature, the date of such service, and that the same is a true copy of the original." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 69.

[*Published March 6, 1869.*]

AN ACT to amend section 1 of chapter 131 of the general laws of 1868, entitled "an act to provide for the publication of the private and local laws in local newspapers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1 of chapter 131 of the general laws of 1868, is hereby amended by adding to said section the following: "Such publication may be made in any paper in foreign language: *provided*, that the said laws shall be printed in the English language."

SECTION 2. This act shall take effect and be in force from and after its [passage] and publication.

Approved March 8, 1869.

CHAPTER 70.

[*Published March 6, 1869.*]

AN ACT to amend chapter 19 of the revised statutes, entitled "of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 117 amended.

Town supervisors may fix and collect penalties for driving on bridges faster than a walk.

SECTION 1. Section 117 of chapter 19 of the revised statutes, is hereby amended to read as follows: The town board of supervisors of any town in this state shall have authority to fix and collect in the names of the respective towns, suitable penalties for the riding or driving faster than a walk on any bridges within the limits of their towns, maintained at public expense, the length of whose span is not less than twenty-five feet: *providing*, said penalties shall in no case exceed the sum of five dollars nor be less than one dol-

lar; *and provided further*, that it shall be the duty of said town supervisors to put up and maintain at the expense of their town, in conspicuous places at each end of all such bridges a notice, in large characters, that any person riding or driving faster than a walk on such bridges shall forfeit the sum which shall have been by said supervisors fixed as the penalty therefor, as hereinbefore provided.

SECTION 2. Section 118 of said chapter 19, is hereby amended so as to read as follows: Whosoever shall ride or drive faster than a walk, upon any bridge upon which said notice shall have been placed, and shall then be, shall forfeit for every such offense the sum so fixed and determined upon by said town supervisors: *providing*, the same shall be the amount named in said notice so put up and then being on said bridge as aforesaid. Section 118 amended.

SECTION 3. This act shall be in force from and after its passage.

Approved March 8, 1869.

CHAPTER 71.

[*Published March* 6, 1869.]

AN ACT to amend section 112 of chapter 15 of the revised statutes, entitled "of towns and town officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 112 of chapter 15 of the revised statutes, entitled "of towns and town officers," is hereby amended so as to read as follows: "Supervisors, assessors, clerks of the polls and town clerks shall be entitled to a compensation for each day actually and necessarily devoted by them to the services of the town, and in discharge of any of the duties of their respective offices required of them by law, of two dollars for each day, and at the same rate for parts of a day; and no town officer shall be entitled to pay for acting in Amended. Compensation of town officers fixed.

more than one official capacity of office at the same time, unless the town shall have fixed a different compensation at the annual town meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1869.

CHAPTER 72.

[*Published March* 9, 1869.

AN ACT in relation to evidence in criminal prosecutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Persons charg'd with crime may give evidence in their own behalf.

SECTION 1. In the trial of all indictments, complaints and other proceedings against persons charged with the commission of crimes or offences, the person so charged shall at his own request, but not otherwise, be deemed a competent witness, nor shall the neglect or refusal to testify create any presumption against the defendant.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1869.

CHAPTER 73.

[*Published March* 23, 1869.]

AN ACT to authorize the appointment of phongraphic reporters for the circuit court for the county of Walworth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge may appoint phonographic reporters.

SECTION 1. It shall be lawful for the judge of the circuit court for the county of Walworth, to appoint

two phonographic reporters for said court, who shall be sworn officers of said court, and shall be skilled in the art of short-hand reporting, one of whom shall attend upon such court at each term thereof, when required by the court or the judge thereof so to do, and shall discharge such duties as the judge may direct.

Compensation.

SECTION 2. The phonographic reporters shall be allowed such daily compensation as shall be fixed by the judge of the court, not exceeding ten dollars per day for each day's attendance upon such court, when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time.

Additional compensation.

SECTION 3. In addition to the above compensation, the phonographic reporters may charge and collect as fees, ten cents per folio (of one hundred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid by the party requiring such transcript to be made. In the trial of criminal cases the court may in its discretion order such transcripts to be made, certified, audited and paid for in the same manner as the reporter's *per diem* compensation. In such cases the reporter's notes shall be written out in full and filed with the clerk of the court.

Judge may remove reporters.

SECTION 4. The judge of the said court may, in his discretion, remove such reporters or either of them, and may fill any vacancy caused by such removal or from any other cause.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 4, 1869.

CHAPTER 74.

[*Published March 6, 1869.*]

AN ACT to establish lumber district number 8, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Red Cedar river to constitute district No. 8.

SECTION 1. For the purpose of inspecting and regulating the survey and measurement of logs, timber and lumber in this state, the Red Cedar river and its tributaries, within the county of Dallas are hereby constituted and created a lumber district, to be known and called lumber district number eight.

To be subject to provisions of chapter 167, laws of 1864.

SECTION 2. Said lumber district number eight shall be subject to the provisions of chapter 167 of the general laws of 1864, entitled "an act to establish lumber district in this state and to regulate the traffic in logs, timber and lumber in said district the same as the district therein named."

Where inspector to keep his office.

SECTION 3. The inspector of said lumber district number eight shall keep his office at Barron, in the county of Dallas.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1869.

CHAPTER 75.

[*Published March* 6, 1869.]

AN ACT to change the name of the county of Dallas to that of Barron.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of the county of Dallas in the state of Wisconsin, is hereby changed to that of Barron, and by the name of Barron it shall hereafter be known and designated. **Name changed.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1869.

CHAPTER 76.

[*Published March* 22, 1869.]

AN ACT relating to the county court of Trempealeau county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county judge of the county of Trempealeau is hereby authorized to keep his office and to transact any and all probate business and to hold terms of the county court at the village of Trempealeau, and all business done and transacted and all lawful judgments, orders and decrees made by the said judge or court shall be as valid and binding in all respects, as if such courts had been held and such business had been done at the county seat of said county. **Where county judge may keep his office.**

SECTION 2. All lawful orders, judgments and decrees heretofore made, and all business heretofore done and transacted by the county judge or county court of Trempealeau county, are hereby legalized and declared **All orders, etc. legalized.**

to be as valid and binding in all respects as if such business had been done and such orders, judgments and decrees had been made at regular terms of said county court held at the county seat of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1869.

CHAPTER 77.

[*Published March* 8, 1869.]

AN ACT to reduce the price of the swamp and overflowed lands in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Price of swamp and overflowed lands to be reduced.

SECTION 1. The commissioners of school and university lands are hereby authorized and required to reduce at once, the price of all swamp and overflowed lands now owned by the state in the counties of Adams, Juneau and Wood, and that have not been once sold, and all such lands that have been once sold and forfeited to the state, and now held by the state, to the uniform price of fifty cents per acre, with the amount of unpaid taxes added thereto: *provided*, that the above deduction shall not apply to any of said lands now under contract, and which may hereafter become forfeited to the state until the expiration of two years after such forfeiture.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 78.

[*Published March* 8, 1869.]

AN ACT to repeal chapter 49 of the general laws of 1868, and to provide for terms of the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall hereafter be held at Madison in the supreme court room, two sessions of the supreme court in each year, to be called the January and June terms. The January term shall commence on the Tuesday next preceding the second Wednesday of January, and the June term shall commence on the first Tuesday of June. **Terms of supreme court fixed.**

SECTION 2. Chapter 49 of the general laws of 1868, and all laws inconsistent with the provisions of this act are hereby repealed. **Repealed.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication: *provided, however*, that nothing herein contained shall prevent or interfere with the holding of the next February term of said court at Madison, in pursuance of said chapter 49 of the general laws of 1868.

Approved March 5, 1869.

CHAPTER 79.

[*Published March* 9, 1869.]

AN ACT to amend section one of chapter 67 of the general laws of of 1868, entitled "an act to protect the meadows adjacent to Apple river from overflow at certain times."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 67 of the laws of 1868, entitled "an act to protect the meadows ad- **Amended.**

jacent to Apple river from overflow at certain times," is hereby amended by striking out the word, "fourth," at the end of the last line but one, and insert in the place thereof the word, "thirtieth," and by striking out the word, "fourth" where it occurs in the first part of said line and insert in the place thereof, "first."

Company building dam to be liable for damages.

SECTION 2. Any company which now is or hereafter may be empowered by law to build and maintain a dam or dams on said Apple river shall be liable to pay for all damages which may be caused to the property of other persons by any overflow or inundation thereof caused by such dam or dams, which damages may be recovered by the person injured, in a civil action in any court of competent jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 80.

[*Published March* 9, 1869.]

AN ACT to amend chapter 167 of the general laws of A. D. 1864, entitled "an act to establish lumber districts in this state, and to regulate the traffic in logs and lumber in said districts."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 7 of chapter 167 of the general laws of 1864, is hereby amended by adding to said section as follows: And any person with whose logs or timber in any waters of this state such prize logs or timber shall become so intermixed that they cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all such logs or timber with which his own may be intermixed, toward such market or place, when no special and different provision is made by law for driving the same, and shall be entitled to reasonable compensation from the owner for driving such logs, lumber, timber or other material, to be recovered after demand there-

for on said owner or agent, if known, and he shall have a prior lien thereon until thirty days after they arrive at their place of destination, to enable him to attach the same, and if the owner thereof cannot be ascertained, the property may be liable according to law, and enough be disposed of to defray the expenses thereof.

SECTION. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 81.

[*Published March* 16, 1869.]

AN ACT to amend section 62 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section sixty-two of the general laws of 1863, is hereby amended so as to read as follows: The clerk of each school district shall, on or before the first Monday of November in each year, deliver to the town clerk of the town in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both as the case may require, and the tax voted at any special meeting held between the time of the annual meeting and the first Monday of November, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of tax to be so assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuation contained in the last as-

Amended.

District clerk shall deliver statement of taxes to town clerk.

sessment rolls of the respective towns, and to enable the district clerk to ascertain the same, the town clerk of each such town, shall on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 82.

[*Published March* 16, 1869.]

AN ACT in relation to the satisfaction of judgments of record in the circuit and county courts of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attorney of record may satisfy judgment at any time within five years.

SECTION 1. Any attorney of record of any party in any action in any of the circuit courts of this state, or in any of the county courts of this state having civil jurisdiction, who may obtain or has obtained any judgment in any of said courts, is hereby authorized and empowered to satisfy the same of record at any time within five years after the docketing of such judgment, subject to the same limitations as are now provided by section 43 of chapter 132 of the revised statutes.

Duty of clerk of court in satisfying judgments.

SECTION 2. It shall be the duty of each clerk of the circuit courts aforesaid, or of the county courts as aforesaid, whenever any judgment shall be discharged by entry of satisfaction on the docket of judgment in the office of such clerk, to witness such satisfaction, and to make an entry thereon as follows, to wit: "Satisfied in my presence this ——— day of ———, A. D. ——," and duly sign his name thereto as such clerk.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 83.

[*Published March 6, 1869.*]

AN ACT to amend section 1 of chapter 140 of the general laws of 1866, entitled "an act to amend sections 3 and 5 of chapter 208 of the general laws of 1859, entitled 'an act to amend chapter 10 of the revised statutes, of state officers, and chapter 23 of the revised statutes, of common schools.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 140 of the general laws of 1866 is hereby amended so as to read as follows: There is hereby appropriated annually to the superintendent of public instruction, out of any money in the treasury not otherwise appropriated, the sum of fifteen hundred dollars to defray traveling expenses in making official visits as required by law, said appropriation to be drawn quarterly in advance, as the salaries of state officers are drawn. Amended.

SECTION 2. This act shall take effect and be in force from and [after] its passage and publication.

Approved March 5, 1869.

CHAPTER 87.

[*Published March* 16, 1869.]

AN ACT to amend section one of chapter 114 of the general laws of 1866, entitled "an act to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one of chapter 114 of the general laws of 1866, entitled "an act to reorganize and enlarge the university of Wisconsin, and to authorize the county of Dane to issue bonds in aid thereof," is hereby amended so as to read as follows: "Section 1. The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with the scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departmens, to-wit: 1st. The college or department of arts; 2d. The college or department of letters; 3d. Such professional and other colleges or departments as from time to time may be added thereto or connected therewith."

Objects of university, and division of departments.

SECTION 2. All acts or parts of acts, so far as the same conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 88.

[*Published March 9, 1869.*]

AN ACT authorising towns containing villages not incorporated, to provide a lock-up or place of confinement for the safe keeping and detention of drunken and other disorderly persons on the streets of any such villages not incorporated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May restrain drunkenness.

SECTION 1. Any town containing any village not incorporated, may enact such regulations as may be necessary to restrain all disorderly conduct within the villages arising from drunkenness or otherwise.

Penalty imposed.

SECTION 2. Any person deemed guilty of such disorderly conduct shall, on complaint of any person aggrieved, be examined before any justice of the peace of any such town, and upon conviction thereof, be fined in a sum not less than one dollar nor more than twenty-five dollars and all costs arising from such complaint and trial, without process first issuing.

Constables may arrest.

SECTION 3. Any constable in any such town shall be a proper officer for arresting and detaining such offending persons.

Towns may provide places of confinement.

SECTION 4. Any town with any such village not incorporated, shall, at the annual town meeting, have power to vote any appropriation necessary for providing such place of confinement, and shall further add to any regulations necessary for carrying this act into effect.

This act to be published in towns.

SECTION 5. Any town taking the benefit of this act shall cause the same to be published in the village paper of such town if there be any, or cause the town clerk of said town to post up three or more notices of the same.

Disorderly persons may be confined.

SECTION 6. Any person so convicted shall be confined in the calaboose or county jail until all fines and costs are paid, not less than ten nor more than sixty days.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 5, 1869.

CHAPTER 89.

[*Published March 9, 1869.*]

AN ACT to amend section 3 of chapter 95 of the general laws of the year 1868, entitled "an act to require railroad companies securing grants of land from the general government, to locate their roads and select their lands within a certain time specified."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section three of chapter 95 of the general laws of 1868, is hereby amended so as to read as follows: Any railroad company violating or neglecting to comply with the provisions of this act, shall forfeit the grant of land enuring to such company, and such land shall forthwith revert to the state, and the charter of such company become forfeited: *provided, however*, that in case of any of the selections made in good faith and pursuance of law by the companies shall be rejected by the commissioners of the general land office, said companies shall have such further time as may be absolutely necessary to select the remaining amount of lands they may be entitled to in lieu of such rejections: *provided*, that the provisions of this act shall not apply to the lands of the Sugar river valley railroad company, nor to the lands of the Portage and Superior and Winnebago and Superior and La Crosse and Milwaukee railroad companies, nor to the lands of the West Wisconsin railroad co n] :]

Penalty for neglect to comply with act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 90.

[*Published March 8, 1869.*]

AN ACT to repeal chapter 175, general laws of 1865, pertaining to the St. Croix and Lake Superior railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and seventy-five of the general laws of 1865, entitled "an act to confer upon the St. Croix and Lake Superior railroad all the rights and privileges granted and conferred to the state of Wisconsin by the acts of congress approved June 3, 1856, and May 5, 1864," is hereby repealed. **Repealed.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1869.

CHAPTER 91.

[*Published March 9, 1869.*]

AN ACT to amend chapter 258, general laws of 1864, so as to authorize the county of Pierce to vote for aid for right of way to any railroad company which may locate a line of railroad therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 258, general laws of 1864, is hereby amended as follows: after the word, "railroad" in the fifth line by adding thereto, "or on any line of railroad which may be located through the county of Pierce by any railroad company." **Section 1 amended.**

SECTION 2. Section two of said act is hereby amended after the word, "counties" in the fourth line by inserting, "and of Pierce county." **Section 2 amended.**

Section 3 amended.

SECTION 3. Section three of said chapter 258 is hereby amended by inserting after the word, "counties" in the third line, "and of Pierce county."

SECTION 4. This act shall be in force from and after its passage.

Approved March 5, 1869.

CHAPTER 92.

[*Published March 9, 1869.*]

AN ACT to amend section two, chaper 150, general laws of 1867, entitled "an act to regulate the fees and prescribe the duties of clerks of the circuit court."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter 150 of the general laws of 1867, entitled "an act to regulate the fees and prescribe the duties of clerks of the circuit court," is hereby amended by adding to the end thereof the following: "for filing mechanics' liens, ten cents; for docketing the same, for each defendant, twenty-five cents: *provided*, that said fees shall not exceed one dollar in any one case.

Fees for filing mechanics' lien.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 93.

[*Published March* 9, 1869.]

AN ACT to require insurance companies to deliver to policy holders a duplicate of the application for insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It is hereby made the duty of each and every insurance company doing business in this state, to deliver to each and every person insured at the time of delivering the policy of insurance, a duplicate copy of the application for insurance; and if any insurance company shall for any cause fail or omit to deliver such duplicate copy of such application to the person insured, at the time of delivering the policy of insurance, then such application shall not be evidence for such insurance company in any court, anything in the policy to the contrary notwithstaning: *provided always*, that the provisions of this section shall not apply to such cases where all the material facts contained in the application are stated at length in the policy.

Must deliver duplicate copy of application for insurance.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1869.

CHAPTER 94.

[*Published March* 9, 1869.]

AN ACT relative to publishing the notice of tax sales and the delinquent tax list in the county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The statement and notice mentioned in sections two and three of chapter 22 of the general

Tax list assembly district to be pub-

CHAPTER 100.

[*Published March* 9, 1869.]

AN ACT to provide payment to the chaplains of the legislature for 1869.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to chaplains.

SECTION 1. There is hereby appropriated to Rev. H. W. Spalding, out of any money in the treasury belonging to the general fund not otherwise appropriated, the sum of one hundred and fifty dollars, as payment in full for his services as chaplain of the senate during the present session. There is also hereby appropriated to each of the resident clergymen of Madison, who have officiated in the capacity of chaplain in the assembly during the present session, twenty-five dollars. And the secretary of state shall draw his warrant for such amounts upon presentation to him of a certificate from the speaker of the assembly, to the effect that the person named in such certificate has so officiated.

SECTION 2. This act shall take effect and be in force after its passage.

Approved March 6, 1869.

CHAPTER 101.

[*Published March* 16, 1869.]

AN ACT to amend chapter 153 of the revised statutes of the state of Wisconsin, entitled "of the lien of mechanics and others."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Chapter one hundred and fifty-three of the revised statutes, entitled "of the lien of mechanics

and others," is hereby amended by adding to section twelve of said chapter, as follows: "and any person or persons who shall perform any manual labor in digging, making or constructing any fountain or well upon the premises or land of another, shall have the same right of lien upon the lands whereon the same is dug, made or constructed for the value of said labor, as is given to bricklayers, carpenters, lumber merchants and others; and the said lien may be carried into force and effect pursuant to the provisions contained in said chapter."

Well-diggers to have lien.

SECTION 2. So much of any act as contravenes the provisions of this act is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1869.

CHAPTER 102.

[*Published March* 9, 1869.]

AN ACT in regard to the location of a state normal school at Stoughton, Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of regents of normal schools are hereby authorized and directed to allow the proposition made to said board for the location of a normal school at the village of Stoughton, in the county of Dane, to be reduced in amount to the sum of thirty thousand dollars, inclusive of the land now embraced in the proposition upon which said board fixed the location of said school.

Board of regents may reduce amount to be raised by village of Stoughton.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1869.

CHAPTER 103.

[*Published March* 9, 1869.]

AN ACT to amend chapter 11 of the general laws of 1867, entitled "an act in relation to records and documentary evidence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 2 of chapter 11 of the general laws of 1867, entitled "an act in relation to records and documentary evidence," is hereby amended by adding after the last word in the last line of said section two, the following: "and said register shall receive such compensation for making such copy or copies and certifying to the same, as he is now entitled by law to receive for recording deeds and mortgages, which sum shall be paid him on demand by the treasurer of the county in which said registry is made: *provided*, that the office of registry is not a salaried office."

Registers' fees for certified copy.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1869.

CHAPTER 104.

[*Published March* 9, 1869.]

AN ACT authorizing the governor to direct concerning the expenditure of certain moneys for the completion of the improvement of the Fox and Wisconsin rivers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor may direct expenditure of money.

SECTION 1. The balance of the moneys retained and on deposit with the state treasurer, for the completion of the improvement of the Fox and Wisconsin rivers, may be expended for that purpose in such

way and at such times within the period herein prescribed, as the governor of the state shall approve. The time as now limited by law for completing the said improvement by such expenditures is hereby extended one year. The engineer of the improvements shall submit his plans to the governor for his approval. If any change in the plan, as recommended by D. C. Jenne, should be found necessary or advisable, the same may be made with the approval of the governor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1869.

CHAPTER 105.

[*Published March* 9, 1869.]

AN ACT to amend sections 1 and 2 of chapter 65 of the revised statutes, [entitled "of the insurance of property in incorporated villages, &c."]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter sixty-five of the revised statutes is hereby repealed, and the following substituted in its stead: There shall be paid to the treasurer of the fire department of any incorporated city or village in this state, in which there may be a regularly organized fire department, for the use and benefit of said fire department, on the first day of February in each year, by every person who shall act in said city or village as agent for or in behalf of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurances against losses or injury by fire, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the year or part of a year ending on the next preceding first day of January, shall have been received by such agent or person, or received by any other person or

Section 1 amended.

Insurance companies to pay two per cent. of premiums to fire department.

persons for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent or otherwise against loss or injury by fire in any such city or village.

Section 2 amended.

SECTION 2. Section two of said chapter sixty five is hereby amended by striking out the words, "not incorporated by the laws of the state aforesaid," in the 18th and 19th lines thereof, and inserting in lieu thereof, "incorporated as provided in the first section of this act."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1869.

CHAPTER 106.

[*Published March 16, 1869.*]

AN ACT to provide for statistics for the use of state and county boards of assessments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessors shall list personal property.

SECTION 1. It shall be the duty of the assessor or assessors of each town, ward or city respectively, in this state, to ascertain and set down, at the time of making the annual assessment for each year, in separate columns prepared for that purpose on the assessment roll, and opposite to the names of all persons assessed for personal property, the number and value of the following named items of personal property, owned by each such person, which value shall be the true cash value, and shall constitute the assessed valuation of the several items of property therein described, to-wit:

Items to be listed.

1st. The number and value of horses of all ages.

2d. The number and value of neat cattle of all ages.

3d. The number and value of mules and asses of all ages.

4th. The number and value of sheep and lambs.

5th. The number and value of swine.

6th. The number and value of wagons, carriages and sleighs.

7th. The number and value of gold and silver watches.

8th. The number and value of pianos and melodeons.

9th. The value of merchants, banks and manufacturers' stock.

10th. The value of all other personal property.

11th. The total value of all the personal property described as above.

Town and city clerks to transmit statement to clerks of boards.

SECTION 2. Upon the correction and completion of said assessment roll, as provided in section 29 of chapter 130 of the general laws of 1868, the clerks of each town, city and village respectively shall ascertain the aggregate of each of the several items specified in section one of this act, and shall, on or before the fourth Monday in August, transmit a detailed statement of the same to the clerk of the board of supervisors of their respective counties, together with a statement of the number of acres of land and the aggregate value thereof, as appears on said assessment roll.

Clerks of boards to forward abstract to secretary of state.

SECTION 3. The clerk of the board of supervisors of each county, immediately upon the receipt of the statements, as provided in section two of this act, shall make an abstract of the same and forward it to the office of the secretary of state, on or before the second Monday in September.

Forms for assessment roll to be furnished by secretary of state.

SECTION 4. Forms for assessment rolls and for the returns provided for in this chapter, shall be prescribed by the secretary of state, and shall be furnished to the assessors by the clerks of the board of supervisors of the several counties of this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 8, 1869.

CHAPTER 107.

[*Published March* 22, 1869.]

AN ACT concerning the terms of the circuit court in the fourth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of fourth circuit fixed.

SECTION 1. The general terms of the circuit court for the fourth judicial circuit shall hereafter be held as follows: In the county of Fond du Lac on the first Monday after the first day of January, on the first Monday of April and on the first Monday of October of each year. In the county of Sheboygan, on the first Monday of March, on the first Monday of June and on the fourth Monday of November of each year. In the county of Calumet, on the third Monday of June and the second Monday of December of each year. In the county of Manitowoc, on the fourth Tuesday of June and the third Tuesday of December of each year. In the county of Kewaunee, on the fourth Tuesday of January and the fourth Tuesday of July of each year.

Terms in Fond du Lac and Sheboygan to be special terms for whole circuit.

SECTION 2. Every term of said circuit court in the counties of Fond du Lac and Sheboygan shall also be a special term for the whole of said circuit, and all actions, motions, proceedings or other business now pending, or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of said special terms, in the same manner and with the same force and effect as if the same were heard, tried and determined or otherwise acted upon or disposed of, in the county wherein the same are now pending, or may hereafter arise, and when any causes or matters are pending in other counties different from the county in which the special term is held, the clerk of the court where said special term is held shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall be filed and entered by such

clerk in the same manner as if said cause or matter had been heard or determined by the circuit court, at a term thereof, held in that county.

SECTION 3. There shall be no grand jury summoned or empanneled for the January term of the circuit court for said county of Fond du Lac, unless ordered by the judge of said fourth judicial circuit; when so ordered a grand jury shall be summoned and empanneled as provided by law in other cases.

No grand jury for January term in Fond du Lac.

SECTION 4. There shall be no grand jury summoned or empanneled for the March term of the circuit court for said county of Sheboygan, unless ordered by the judge of said fourth judicial circuit; when so ordered, a grand jury shall be summoned and empanneled as provided by law in other cases.

None for March term in Sheboygan.

SECTION 5. There shall be no grand or petit jury summoned or empanneled for the July term of the circuit court for the said county of Kewaunee, unless ordered by the judge of the said fourth judicial circuit, and notice given by said judge to the clerk of the circuit court of said county of Kewaunee, at least twenty days before the commencement of said July term of court; when so ordered, a grand and petit jury shall be summoned and empanneled as provided by law in other cases.

No jury for July term in Kewaunee.

SECTION 6. There shall be two special terms of the circuit court in Fond du Lac county in each year, to be held as follows: On the first Monday of May, and on the first Monday of July, at either of which terms any business arising within the fourth judical circuit, which does not require the intervention of a jury, may be heard and disposed of. No grand or petit jury shall be drawn or summoned for said special terms, and no notice of the holding of the same shall be required; and at such special terms the issues of law, and motions and all other business that may be transacted thereat, pending in any and every county in said circuit, may be heard and disposed of with the same force and effect as it may now be heard and disposed of in the county in which the causes or matters are pending, and when the causes or matters are pending in other counties in the circuit different from the county in which the special term is holden, the clerk of the circuit court shall certify the orders and papers to the clerk of the circuit court of the county where the same is pending, and the

Two special terms in Fond du Lac, and the time fixed.

papers shall be filed and entered by the clerk of the court where the cause or matter is pending, in the same manner as if the cause or matter had been heard or decided by the circuit court at a term thereof holden in the county where it is pending.

Clerk of court may transmit papers to other counties for hearing of cause.

SECTION 7. For the purpose of the hearing or trial of any cause or matter in any other county than that where the same is pending, the clerk of the circuit court shall at the request of either of the attorneys in said cause or matter, transmit all the papers on file in said cause or matter to the place of trial or hearing, under his official certificate, certifying the same to be all the original files and papers in such action, cause or matter. Such papers or files shall be by such clerk enclosed in an envelop, sealed by him, directed by the clerk of the circuit court of the county where such term is to be or is being held, and the same may be transmitted by mail or by the hand of either of the attorneys in such cause, action or matter: *provided*, that before any clerk shall be obliged to transmit any such papers or files or orders, all necessary postage therefor shall be paid by the party applying therefor; *and, provided, further*, that no clerk shall be required to certify back any papers, files or orders to any such county where the same were originally pending, unless his fees in such cause or matter are paid.

Writs, etc., returnable at time fixed in this act.

SECTION 8. All writs, services, processes, proceedings and recognizances heretofore issued, commenced, made or entered into in or from said courts of said counties respectively, or either of them, and all proceedings pending therein or returnable thereto, whether by recognizance or otherwise, shall be held and taken as returnable at the times mentioned in this act for holding the said courts respectively in the said several counties respectively.

Not to affect March and April terms in Fond du Lac and Sheboygan.

SECTION 9. Nothing in this act contained shall affect the existing law authorizing the holding of the term of the circuit court in Fond du Lac county, on the first Tuesday of March, 1869, but the said term shall be held as now provided by law, and there shall not be held in the county of Sheboygan, a term of the circuit court on the first Monday of March, 1869, nor in the county of Fond du Lac, a term of the circuit court on the first Monday of April, 1869, but the said terms of

court for said year 1869, in said counties of Sheboygan and Fond du Lac shall be omitted.

SECTION 10. Chapter seventy-seven of the general laws of 1863, and all acts or parts of acts conflicting with or contravening any of the provisions of this act are hereby repealed, so far as they conflict with or contravene the same. Repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 108.

[*Published March* 10, 1869.]

AN ACT relating to bills of exceptions in criminal cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That in all criminal actions tried in the circuit courts of this state, whether upon indictment or appeal, and whether tried before or after the passage of this act, bills of exceptions may be served, noticed and settled in the same manner and with the same effect as in civil actions. Bills of exception to be served same as in civil actions.

SECTION 2. The laws now in force relating to the settlement, signing and filing of bills of exceptions in civil actions, shall in all respects apply to criminal actions, whether such criminal actions shall have been heretofore or shall hereafter be tried. Same laws to apply.

SECTION 3. All laws now in force conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

Approved March 8, 1869.

CHAPTER 109.

[*Published March* 11, 1869.]

AN ACT to provide compensation for opening the present session and for indexing and completing the transcribing of the journals of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to L. B. Hills, chief clerk of senate.

SECTION 1. There is hereby appropriated to L. B. Hills, chief clerk of the senate, for services prior to and at the organization of the senate at the present session, the sum of fifty dollars; for indexing the senate journal of the present session, the sum of two hundred dollars, and for completing the transcribing of the senate journal, the sum of two hundred and fifty dollars.

To E. W. Young, chief clerk of assembly.

SECTION 2. There is hereby appropriated to E. W. Young, chief clerk of the assembly, for services prior to and at the organization of the present assembly, the sum of fifty dollars; for indexing the assembly journal, the sum of two hundred dollars, and for completing the transcribing of the assembly journal, the sum of two hundred and seventy-five dollars.

Secretary of state to certify.

SECTION 3. No money hereby appropriated shall be drawn from the treasury until the secretary of state shall certify that the duties herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect from and after its passage.

Approved March 8, 1869.

CHAPTER 110.

[*Published March* 16, 1869.]

AN ACT in relation to time of apportionment of state and county taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time when tax shall be apportioned changed.

SECTION 1. Section 6 of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon," is hereby amended by striking out the words, "fifteenth day of May" where they occur in said section, and inserting in lieu thereof the words, "the tenth day of October."

When supervisors shall determine amount of assessment.

SECTION 2. Section 10 of said chapter 130 of the general laws of 1868 is hereby amended so as to read as follows: Section 10. The board of supervisors shall at their annual meeting in November, determine by resolution the amount of tax to be levied in their county for county purposes for the year, and also the amount to be raised by tax in each town for the support of common schools therein for the ensuing year, which shall not in any town be less than the amount apportioned to such town in the last apportionment of the income of the school fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1869.

CHAPTER 111.

[*Published March* 16, 1869.]

AN ACT to amend section 1 of chapter 164 of the general laws of 1865, entitled "an act to amend chapter 40 of the general laws of 1861, entitled 'an act requiring owners of certain machines to guard against accidents.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1 of chapter 164 of the general laws of 1865, entitled "an act to amend chapter 40 of the general laws of 1861, entitled 'an act requiring owners of certain machines to guard against accidents,'" is hereby amended so as to read as follows: Section one of chapter 40 of the general laws of 1861, entitled an act requiring owners of certain machines to guard against accidents is hereby amended so as to read as follows: The joints or knuckles and jacks of the tumbling rods of all threshing machines hereafter used in this state, except S. N. Taylor's knuckle or coupling, patented February 16, 1864, and except J. I. Case & Co.'s safety knuckle or coupling, known as the universal safety knuckle and C. W. Yates' safety coupling or kuckle, patented December, 11, 1866, and except A. J. Langworthy's patent safety knuckle or universal joint, shall be securely enclosed in a box.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 112.

[*Published March* 16, 1869.]

AN ACT to provide for the registering of the names of persons who have been admitted to citizenship or who may hereafter be admitted to become citizens of the United States of America.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerks of the circuit courts in the several counties of this state are hereby authorized and required to make out an alphabetical register from the records of their several offices, in a suitable book to be provided for that purpose, of the names of all persons who have heretofore been admitted to citizenship of the United States of America, together with the date of such admission, and it shall be the duty of such clerk to register in such book in like manner the names of all persons who may hereafter become citizens as aforesaid.

Clerks of circuit court to register names of naturalized persons.

SECTION 2. Such clerks shall be entitled to receive from their several counties as compensation for making such register, two cents for every name so registered.

Fees for same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 113.

[*Published March* 20, 1869.]

AN ACT to authorize the counties and towns through which the Milwaukee and St. Paul railroad may pass, to aid in its construction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for any county through any portion of which any part of the Milwau-

Counties and towns may aid railroad by issue of bonds.

kee and St. Paul railway shall run, or any town or incorporated city or village in such county, to vote, issue and deliver their bonds to said company, payable to such person or persons, trustee or trustees or corporation, or to said company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement or by delivery, in such way and manner as may be agreed upon by and between the directors of said company and the proper officers of said county, town, incorporated city or village; a copy of which said agreement shall be filed in the office of the clerk of the respective incorporations above named, that may vote to issue their bonds under the provisions of this act; and said agreements shall definitely and and specifically specify and set forth the terms and conditions upon which said bonds are to be voted, and to particularly set forth and specify the time when, how and upon what terms and conditions the bonds so voted are to be delivered to said company as provided in this act; and said bonds, when so voted, shall be subject to all the terms and conditions specified and set forth in said agreements, and in no event shall the county, town, city or incorporated village, voting said bonds, be in any way or manner liable for the payment of said bonds, until each and all of the terms, conditions and agreements, made and set forth in said agreement above set forth to be performed by and on the part of said railway company, have been fully and completely fulfilled and performed by said railway company as therein set forth; the said agreement so made as aforesaid, to be signed by the president and secretary of said railway company, and the proper officers of the respective incorporations above named voting their bonds as aforesaid, but no such bonds shall be issued or delivered to said company by any such county, town, city or incorporated village unless a majority of the legal voters of such county, town, city or incorporated village voting on the question, shall first have voted in favor of the issuing of said bonds according to the provisions of this act, in the manner hereinafter prescribed.

Company shall execute agreement for exchange of bonds

SECTION 2. Whenever the said railway company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town, city or incorporated village, it shall make and execute an agree-

ment in writing with the proper officers of said county, town, city or incorporated village, and file a copy of the same in the office of the clerk of the respective incorporations above named, that it is proposed to have a vote upon said question, as is provided in section one of this act, which said agreement shall contain in addition to what is provided for in section one of this act, a distinct statement of the amount of the stock or of the bonds of said company, which the said company propose to issue to such county, town, city or incorporated village, the time when said bonds shall be payable, the amount for which they shall be respectively issued, the rate of interest which they bear, and it shall also contain a distinct statement of the amount of the bonds of such county, town, city or incorporated village which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or trustees, or corporations to whom they shall be payable, the mode of transfer, the amount of each bond, and the aggregate amount, the rate of interest and the time of payment. Upon the execution and filing of the said agreement, as is provided in section one of this act, the clerk of the county board of supervisors of such county, the town clerk or clerk of said city or incorporated village, shall publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, city or incorporated village at the usual place or places of holding elections in such county, town city or incorporated village, and at such time as said clerks may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full recital of the agreement filed in the offices of the several clerks, as is provided in section one of this act, with reference to the exchange of the stock of the company or bonds for the bonds of such county, town, city or incorporated village, and shall call upon the voters to deposit a ballot, upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition."

Question to be submitted to vote of electors.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, cities or incorporated villages are required by law to be held and conducted, and the votes cast at such election shall be counted, canvassed

How election held and conducted.

and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, city or incorporated village, a statement of the whole number of votes cast upon the question as well as the number for the railway proposition, and of the number against the railway proposition; and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Duty of officers when vote is in favor of issuing bonds.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, city or incorporated village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote "for the railway proposition," it shall be the duty of the proper officers in every such county, town, city or incorporated village, upon receiving from the directors of said railway company, stock or bonds, in conformity with the agreement with said company, to issue and deliver the bonds of said county, town, city or incorporated village, as is provided and agreed upon in the agreement made and filed according to the provisions of section one of this act.

Who shall be construed to be county and town officers.

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city or village mentioned in this act, are hereby delared to be the chairman of the county board of supervisors, and the clerk of the board of supervisors in each county; the chairman of the town board of supervisors, and the town clerk in each town; the mayor and city clerk of each incorporated city and the president and clerk of each incorporated village; and all bonds issued by any of the said counties, incorporated cities or villages, shall be signed by the proper officers as aforesaid, of the said counties, incorporated cities or villages, under their corporate seals respectively, and all such bonds issued by any such town shall be signed by the proper officers of such towns, and have affixed to them the official certificate of the [clerk of the] board of supervisors, under his official seal, that they are such officers, and their signatures are genuine.

Counties and towns to be severally liable for

SECTION 6. Every county, town, incorporated city or village, which by the provisions of this act is author-

ized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity to pay and discharge the principal and interest due upon any such bond when all the terms and conditions specified and mentioned in the agreement named in section one of this act are fully and completely complied with and fulfilled; and in no case shall said counties, towns, incorporated cities and villages be liable upon said bonds, nor shall any action at law be maintainable upon said bonds in any of the courts of this state to enforce the collection of the same, until all the terms and conditions in said agreement are complied with, but when that is done by said railway company or its assigns, the separate faith of every such county, town, incorporated city or village, shall, when the terms and conditions before named are complied with, by the issue of said bonds, be irrevocably, inviolably pledged for the prompt discharge of every such liability; every such county, town, incorporated city or village, shall annually levy a tax on all its taxable property for the payment of the annual interest on all bonds which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the amount of the annual interest on all the bonds which it may issue as aforesaid.

Payment of principal and interest of bonds.

SECTION 7. The board of supervisors of any county or town, the common council of any city and the trustees of any village, shall annually appoint one of their number, who shall attend the annual meetings of the stockholders of said railway company for the election of officers thereof, and shall be entitled to cast one vote for every share of stock which said county, town, incorporated city or village shall hold in said railway company, and in case of his inability to attend, to appoint in writing, under their hands, some other person who shall have the same power.

One member of each county and town board to attend annual meetings of railroad company.

SECTION 8. The shares of stock in said railway company, or the bonds of said company thus taken by said counties, towns, incorporated cities and villages, and all dividends and interest arising from the same, are hereby pledged for the payment of the principal and interest of said county, town and incorporated city or village bonds: *provided, however*, that the board of supervisors of any county or town, the common council of any incorporated city or trustees of any incor-

Stock and bonds of railroad pledged for payment of county and town bonds.

porated village, may sell such shares of stock or bonds, and other securities of said company; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 8, 1869.

CHAPTER 114.

[*Published March* 12, 1869.]

AN ACT to amend an act entitled an act to aid in the construction of railroads in the counties therein named, so as to apply to certain towns in the county of Pierce.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sec. 1, chap. 307, general laws of 1864, amended.

SECTION 1. Section one of chapter 307, general laws of 1864, is hereby amended by inserting after the word, "counties" in the ninth line, "and of the several towns and cities in said county of Pierce."

Section 2 amended.

SECTION 2. Section 2 of said chapter 307 is hereby amended by inserting after the word, "counties," in the second line, "or towns and cities in said county of Pierce," and further amend by inserting after the word, "counties" in the third line, "and the town board of supervisors of the several towns, and the common council of the several cities in said county of Pierce," and after the word, "exceeding," in the sixth line, and in lieu of the word, "fifty," "twenty-five," and after the word, "counties" in the seventh line, "and for the several towns and cities in the said county of Pierce."

Section 3 amended.

SECTION 3. Section three of said chapter 307 is hereby amended by inserting after the word, "counties," in the second line, "and the town board of supervisors of the several towns, and the common council of the several cities in the said county of Pierce," and further amended by inserting after the word, "county," in the third line, "and town and city," and inserting after the word, "counties," in the sixth line, "and

towns and cities in said county of Pierce," and inserting after the word, "interest," in the eighth line, "the town and city treasurers of the several towns and cities in said county of Pierce shall pay over to the county treasurer of Pierce county and."

SECTION 4. Said chapter 307 is hereby further amended so that in the fourth section thereof and in each and every section thereafter, after the word, "counties" wherever it may occur, by inserting, "and the several towns and cities in said couuty of Pierce," except when the word, "counties" follows the words, "supervisors of each of said," when it shall be amended by inserting the words, "and the town board of supervisors of the several towns, and the common council of the several cities in the said county of Pierce." **County of Pierce included with other counties mentioned.**

SECTION 5. The provisions of said chapter 307, as amended by this act, shall apply to any railroad company which shall locate and construct a railroad through Pierce county or any part thereof. **Shall apply to any railroad.**

SECTION 6. Section eight of said chapter 307, is hereby amended so that the said question of railroad aid may be submitted to the electors of the several towns and cities in said county of Pierce, or either of them, at the annual town meeting on the first Tuesday of April, one thousand eight hundred and sixty-nine, or at any annual town meeting or general election held in said county of Pierce hereafter. **Section 8 amended.**

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 8, 1869.

CHAPTER 115.

[*Published March* 10, 1869.]

AN ACT in relation to the courts of the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The judges of the circuit and county courts respectively, of the county of Milwaukee, are **May appoint crier.**

hereby authorized to appoint, each for his own court a crier whose duty it shall be to open and adjourn court, and to assist in preserving order in court, who shall hold his office during the pleasure of the judge appointing him, and shall receive for his services two dollars and fifty cents *per diem* during his actual attendance in court, to be paid out of the county treasury of the county of Milwaukee.

Sheriff to keep deputies in attendance, and their per diem.

SECTION 2. The sheriff of Milwaukee county is is hereby required to keep in attendance upon each of said courts, during the session thereof, as many deputy sheriffs as the judge of said court shall require, and no more, and each deputy sheriff in actual attendance upon said courts, shall receive for such, and for actual attendance only, two dollars and fifty cents *per diem*, to be paid out of the county treasury of said county: *provided*, that neither crier nor deputy sheriff shall receive compensation for any day when the court shall not have been in session, doing business.

SECTION 3. This act shall take effect and be in force from and after its passage and publication, and all acts and parts of acts conflicting with or superseded by the provisions of this act are hereby repealed.

Approved March 8, 1869.

CHAPTER 116.

[*Published March* 11, 1869.]

AN ACT to annex a part of the county of Ashland to the county of Bayfield.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Set off from Ashland and annexed to Bayfield.

SECTION 1. All the following described lands are hereby detached and set off from the county of Ashland and annexed and attached to the county of Bayfield, viz: townships forty-three (43), forty-four (44), forty-five (45), forty-six (46) and forty-seven (47), of range five (5) west, forty-three (43) and forty-four (44) of range six (6), forty-three (43) and forty-four (44) of range seven

(7), forty-three (43) and forty-four (44) of range eight (8), forty-three (43) and forty-four (44) of range nine (9) west of the fourth principal meridian, and said territory so annexed shall become and be a part of the town of Bayfield.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 117.

[*Published March* 23, 1869.]

AN ACT to provide for a system of county highways in Brown county, and for the adoption of such system by other counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of Brown county shall hold a special meeting on the first Monday in May, A. D. 1869, for the purpose of electing some suitable person to serve as overseer of county highways and for fixing his compensation. The said board shall at the same meeting declare by resolution such highway or highways or parts thereof as they deem to be of general interest to the whole county, to be county highways. Such resolution shall be published in some newspaper in the county for three successive weeks next after its passage, and thereafter the highways so declared shall remain "county highways" until such resolution is duly revoked.

Board of supervisors shall appoint overseer of highways and fix his compensation.

SECTION 2. Whenever at any meeting of said county board, any highway or highways shall be declared and published as "county highways," in the manner above provided, such highways shall after the first day of March succeeding the passage of such resolution, be repaired and maintained at the county expense, and shall cease to be in any manner under the charge and superintendence of any officers of the towns through which they pass.

County highways to be repaired at county expense.

Resolution of board may be revoked.

SECTION 3. Any resolution of the board declaring county highways, may be revoked upon application of citizens of the county, but such application must be published in the newspaper of the county having the largest circulation, for three successive weeks previous to the meeting of the board at which it is presented.

Term of office of overseer.

SECTION 4. The county overseer of highways shall hold his office for the term of three years, but upon complaint made to the board of the incapacity, negligence or dishonesty of said overseer, accompanied by due proof of the same, they shall remove him from office. The said overseer shall be elected triennially by the board of supervisors on the first Monday in May, but in case of a vacancy in the office, they shall at a special meeting called for that purpose elect a successor for the balance of the term.

His duties.

SECTION 5. It shall be the duty of the county overseer to make a report to the board of county supervisors at or before the meeting at which the annual county taxes are levied, embodying a correct and full statement of the condition of the county highways, and a careful estimate setting forth specifically the amount necessary to be expended upon said highway for the ensuing year. He shall moreover inspect all work done upon the highways aforesaid, and report to the board his opinion as to whether the contract for such work has been faithfully executed. Before entering upon the duties of his office, he shall take and subscribe an oath before some officer qualified to administer oaths, that he will not in any manner, directly or indirectly, be interested pecuniarily in any contract for work or for furnishing supplies or implements to be used upon the county highways, and that he will faithfully discharge the duties of overseer of county highways.

All work to be let by contract.

SECTION 6. All work done upon the county highways shall be done upon contract with the lowest competent and responsible bidder, to be approved by the county board, and based upon specifications which shall be furnished when required by the county overseer aforesaid.

County board shall levy tax for highway fund.

SECTION 7. The county board shall annually levy a tax sufficient for the repairing and maintaining of the county highways. The sum realized from the tax aforesaid shall be kept by the county treasurer as a sep-

arate fund, to be called the "highway fund." The tax for the highway fund shall be levied separately from the tax for general county purposes, and carried out in a separate column upon the tax roll, and in case of any deficiency of cash funds collected by any town treasurer to meet the amount of tax imposed upon the town for all purposes, the said town treasurer shall in addition to the state tax, pay over the full amount of the "highway fund" tax, though it may occasion a deficiency in the town taxes.

Drainage fund interest to be paid into highway fund.

SECTION 8. That portion of the interest of the drainage fund which is or may be due to the county of Brown in any year shall be paid over to the county treasurer at the same time with the money due to the county from the school fund for that year, and shall form a part of the "highway fund" aforesaid.

Supervisors to make contracts.

SECTION 9. The contracts for work upon said "county highways" shall be made with the board of county supervisors and executed by the chairman in their behalf.

After 1870, highway tax to be reduced.

SECTION 10. After the first of March, 1870, the ordinary highway tax assessed by the supervisors of towns in Brown county may be less than three but not more than five mills on the dollar.

Provisions of this act to apply to other counties.

SECTION 11. The provisions of this act shall apply to any county in the state whenever the board of county supervisors thereof shall at a meeting held on the first Monday of May in any year, vote to declare any of the highways in such county to be "county highways," and to elect and fix the compensation of a county overseer of highways.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 118.

[*Published March* 13, 1869.]

AN ACT to amend sections 10, 11, 12 and 13 of chapter 171 of the general laws of 1868, entitled "an act to amend chapter 126, general laws of 1867, entitled 'an act authorizing the establishment of a board of immigration.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 10 amended.

SECTION 1. Section 10 of chapter 171, general laws of 1868, is hereby amended so as to read as follows: It shall be the duty of the board of immigration to cause to be printed in such numbers as they shall deem fit, and in as many languages as they may think best, a pamphlet, setting forth the advantages of this state as a home for immigrants, to be distributed in the eastern states, Canada and Europe, in the manner provided for by this law.

Section 11 amended.

SECTION 2. Section 11 of chapter 171 of the general laws of 1868, is hereby amended so as to read as follows: The governor shall appoint an immigration agent for the state at large, whose duty it shall be to disseminate information by the publication of suitable articles in newspapers in foreign languages or otherwise, in regard to the state in general or certain localities thereof, as a desirable home for immigrants from Europe. It shall be the duty of such agent to communicate with the local agents (to be appointed as hereinafter specified), and to inform them of the best localities in this state for immigrants to settle in. Such agent shall be *ex officio* secretary of the board, regarding all correspondence in foreign languages. He shall receive no pay or compensation for his labor, but the board of immigration shall furnish him with the necessary stationery and postage stamps.

Section 12 amended.

SECTION 3. Section 12 of chapter 171 of general laws of 1868, is hereby amended so as to read as follows: The governor with the approval of the board of immigration, shall appoint two local agents, one to reside in Milwaukee, in this state, and one to reside in

Chicago, Illinois, who shall be employed in behalf of the state at least four months during the year, and who shall be paid a reasonable compensation for the time thus actually employed. It shall be the duty of such local agent to assist and help all immigrants that may arrive in their respective places, and particularly such as may desire to locate in Wisconsin. They shall from time to time receive instructions from the state agent as to the best localitities in Wisconsin for immigrants to settle in, and they shall do all in their power to induce immigrants to go to such places as designated by the state agent. It shall also be the duty of such local agents to make weekly reports to the state agent, setting forth the number of immigrants arrived during the week at their respective ports, the nativity, age, sex, occupation and destination of such immigrants.

SECTION 4. Section 13 of chapter 171 of the general laws of 1868 is hereby amended so as to read as follows: The board of immigration shall have power to aid with such sums as it may think proper, either through the local agents or otherwise, such immigrants as are determined to make Wisconsin their future home, for the purpose of assisting them in reaching their place of destination, and the board shall be authorized if possible, to arrange with railroad companies for transportation of immigrants at half fare. **Section 13 amended.**

SECTION 5. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 6. This act shall take effect from and after its passage and publication.

Approved March 8, 1869.

CHAPTER 119.

[*Published March* 10, 1869.]

AN ACT to appropriate a sum of money therein named, and to provide for the audit of a certain account, in order to carry into effect the stipulation named in chapter 65 of the general laws of 1868, entitled "an act to provide for the settlement of the claim of E. A. Calkins against the state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to E. A. Calkins.

SECTION 1. There is hereby appropriated to E. A. Calkins the sum of fourteen hundred and sixty-five dollars and twenty-five cents, out of any money in the state treasury not otherwise appropriated, being the balance due and in full for assessment blanks printed on the order of the secretary of state, in the year 1858.

Secretary of state to settle for advertising forfeited state lands.

SECTION 2. The secretary of state is hereby directed to audit the account of E. A. Calkins for publishing the advertisement of the sale of forfeited school, university, swamp and mortgaged lands in the year 1858, according to law. He shall audit the said account at the rates of legal advertising then existing, to wit: 40 cents a folio for the first insertion, and 20 cents a folio for each subsequent insertion of the said advertisement. The copy of said advertisement in the papers in the case of the state ex rel. Calkins & Webb vs. Jones, secretary of state, shall be used and considered by the secretary of state in auditing the said account; and he shall draw his warrant on the treasury for the amount thereof, payable to the said E. A. Calkins, after deducting thereform the sum heretofore paid by stipulation with the attorney general, in part for the same service. There is hereby appropriated from the state treasury a sum of money sufficient to pay the said warrant.

Stipulations of chap. 65, G. L. of 1868, to be renewed by E. A. Calkins.

SECTION 3. The stipulation named in chapter 65 of the general laws of 1868, shall be removed [renewed] by the said E. A. Calkins according to the terms of this act; and the sum by him so received shall be in full of all legal and equitable claims for printing, publishing, interest, discount on state scrip, and of any

other nature growing out of the printing contract of said Calkins & Webb.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 120.

[*Published March* 16, 1869.]

AN ACT to amend section 250 of chapter 120, revised statutes, entitled "of courts held by justices of the peace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 250 of chapter 120 of the revised statutes, is hereby amended by adding at the end thereof the following: "and may issue certified transcripts of such judgments as provided for in section 170 of said chapter." **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

CHAPTER 121.

[*Published March* 22, 1869.]

AN ACT to increase the number of county supervisors in the county of Calumet, and to provide for their election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of county supervisors in and for the county of Calumet shall consist of five persons having the qualifications required by law for county supervisors, to be elected as now required by law, ex- **Increased to five members.**

cept as hereinafter provided, and who shall, when so elected and qualified, have and possess all the powers and do and perform all the duties by law granted to and required of county supervisors.

Apportionment and terms of office of supervisors.

SECTION 2. Three members of the said board of county supervisors shall be elected from the supervisor districts in said county, as now established by law, one from each of said districts respectively, in the manner, at the time and for the terms now prescribed by law, and being at the expiration of the terms of office of the present incumbents, who shall hold until such expiration; and two of said supervisors shall be elected for the county at large by the qualified electors of said county, at the general election to be held on the Tuesday next succeeding the first Monday in November, A. D. 1869. One of said supervisors for the county at large shall be elected at that election for the term of one year, and one of the same for the term of two years, the term of office of each to be designated on the ballot cast at such election, and shall hold their office for the terms so respectively designated, and until their successors are elected and qualified; and at each succeeding general election, after that above mentioned, there shall be elected by the qualified electors of said county, one supervisor for the county at large, for the term of two years and until his successor shall be elected and qualified.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

CHAPTER 122.

[*Published March* 11, 1869.]

AN ACT for the relief of the Marathon county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Entitled to appropriation for 1867-8.

SECTION 1. The Marathon county agricultural society is hereby declared to be entitled to the annual

appropriations for the years 1867 and 1868, as provided in section four of chapter fifty-three of the general laws of 1858, the same and as fully as if the said society had fully complied with the provisions of the statute in making and publishing annual reports for said years; and the secretary of state is hereby authorized and directed to issue an order on the state treasurer, directing him to pay to the said Marathon county agricultural society, the sum of two hundred dollars.

Secretary to issue order.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 123.

[*Published March* 23, 1869.]

AN ACT to authorize the use of a portion of the normal school fund income, for the purpose of paying indebtedness incurred in erecting the normal school buildings at Whitewater and Platteville, and for completing the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In addition to the money now provided and limited by law, there may be used by the board of regents of normal schools out of the income of the normal school fund, a sum not to exceed five thousand dollars for completing and furnishing the state normal school building at Whitewater, and a sum not to exceed four thousand dollars for making and completing the impovements and additions to the state normal school institution at Platteville, including the furnishing of the same in accordance with the plans adopted by the said board of regents of normal schools.

May use portion of normal school fund income.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 124.

[*Published March* 16, 1869.]

AN ACT to amend chapter 132 of the revised statutes, entitled "of issues, mode of trial and judgment in civil actions."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section thirty-one of chapter one hundred and thirty-two of the revised statutes, entitled "of issues, mode of trial and judgment in civil actions," is hereby amended by adding at the end of said section, as follows: "*provided*, that where the property has been delivered to the defendant under the provisions of section 6 of chapter 128 of the revised statutes, and judgment shall be for the plaintiff, it shall be optional with the plaintiff to take judgment for the possession or for the recovery of the possession, or the value thereof in case delivery can not be had, and of damages for the detention or in lieu thereof, judgment absolutely for the value thereof and damages for the detention."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 125.

[*Published March* 16, 1869.]

AN ACT to amend section 20 of chapter 141 of the revised statutes, entitled "of actions relating to real estate."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section twenty of chapter one hundred and forty-one of the revised statutes, entitled "of actions relating to real estate," is hereby amended so as

to read as follows, to wit: "Section 20. The court in which such judgment has been or shall be rendered at any time within one year thereafter, upon the application of the party against whom the same was rendered, his heirs or assigns and upon payment of all costs recovered thereby, shall vacate such judgment and grant a new trial in such cause: *provided*, that if such cause shall within ninety days after such judgment be or have been taken to the supreme court upon appeal or writ of error, the time during which the same is pending in and unremitted from the supreme court shall be excluded from, and be no part of the time within which application may be made as aforesaid, but no more than one new trial shall be granted under this section."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

CHAPTER 126.

[*Published March* 12, 1869.]

AN ACT to authorize certain counties, towns, cities and villages to aid in the construction of the land grant railroad from Portage City and from Doty's Island to Lake Superior.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for the proper officers of any county through any portion of which any part of the railroad of the Portage and Superior, or of the Winnebago and Superior railroad company, or of the company consolidated by the two said companies from Portage City to Lake Superior, and from Doty's Island to Lake Superior shall run, or any town or incorporated city or village in such county, to levy a tax upon all the taxable property in such county, town, incorporated city or village, to aid in the location and construction of any portion of such road, and for the purchase of right of way and depot grounds, and for like purposes, **May levy tax to aid railroads.**

to issue the bonds of any such county, town, incorporated city or village, in such sum or sums, and upon such terms and conditions as shall be agreed upon by and between such county, town, incorporated city or village and the said Portage and Superior railroad company, or the said Winnebago and Superior railroad company, or any railroad company which may be consolidated by or grow out of the two said companies; but no such tax shall be levied nor bonds issued by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question, shall first have voted in favor of such tax or the issuing of such bonds, in the manner hereinafter provided.

Companies may make proposition for aid.

SECTION 2. Whenever either of said railroad companies shall require aid from any such county, town, incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president or secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of money or bonds desired, and the terms and conditions and considerations upon which the same will be required to be paid and delivered to said railroad company. Upon receiving such definite proposition, the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall within ten days, publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as he may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full statement of the proposition made by said railroad company, and shall call upon the voters to deposit a ballot upon which shall be written or printed the words, "for the railroad proposition," or the words, "against the railroad proposition."

Clerk of board shall give notice of election.

Form of ballot.

How election conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections

in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition and of the number against the railroad proposition; and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

If majority in favor of proposition, bonds to be issued or tax raised.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "for the railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city and village, to cause said tax or bonds so voted to be raised or issued, and to be levied and collected or issued, and to be paid over or delivered to the said railroad company, on the performance by said company of the terms and conditions contained in such railroad proposition.

Who to constitute officers for purpose of this act.

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act, are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and the town clerk in each town, the mayor and city clerk of such incorporated city, and the president and clerk of each incorporated village.

How tax shall be levied.

SECTION 6. The tax authorized by this act shall be levied, assessed and collected in the same manner and form as other taxes are levied, assessed and collected in such county, town, incorporated city or village, and shall, when collected, be paid over to said railroad company by the treasurer of such county, town, incorporated city or village, as the case may be, on the certificate of the chairman of the board of supervisors of

such county or town, or the mayor or president of such incorporated city or village, that the said railroad company has performed all the terms and conditions of the proposition under which such tax was voted, levied, assessed and collected; and such treasurer shall give additional bonds, to be approved in the usual manner, in double the amount of the tax so to be collected by him, conditioned that he will faithfully pay over such tax as required by this act; and the bonds hereby authorized to be issued, shall be issued by such officers, in such amounts and with such rate of interest, and upon such time, and delivered to such railroad company as shall have been agreed upon between such county, town, incorporated city or village.

How stock and bonds of railroad company may be disposed of.

SECTION 7. All shares or the capital stock of [or] the bonds or other securities given by said railroad company to any county, town, incorporated city or village, may be taken, held, sold and transferred by such county, town, incorporated city or village in the same manner and with like effect as can be done by individuals, and upon such terms and conditions as shall have been agreed upon between such county, town, incorporated city or village and the said railroad company.

Tax to pay interest on bonds to be levied.

SECTION 8. Whenever any county, town, incorporated city or village shall issue any bonds, it shall be the duty of the proper officers of such county, town, incorporated city or village to levy annually upon the property thereof, as aforesaid, a tax sufficient to pay the interest upon such bonds, and raise a sinking fund to pay the principal thereof, when the same shall become due and payable; and whenever any such county, town, incorporated city or village shall issue and deliver to such railroad company, its orders on its treasurer for the payment of the amount of any tax, or part thereof voted, when the same shall become due, it shall be the duty of its proper officers to annually levy a tax sufficient to pay such orders when due, according to the terms thereof; and when any officers shall fail to levy any such tax, as hereby required, the holders of any such bonds or orders may apply to a circuit judge of the proper county in term time or in vacation, whose duty it shall be to issue forthwith his proper writ or order commanding such officers to levy, collect

and pay over such tax to the persons entitled to the same.

SECTION 9. This act is declared a public act and shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 127.

[*Published March* 23, 1869.]

AN ACT in relation to actions of *quo warranto*.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relator shall state in what respect certificate of election is defective.

SECTION 1. In all actions of *quo warranto* or to determine the right to any office in this state, it shall be necessary for the plaintiff or relator in every case where the defendant is in possession of the office in controversy, under a certificate of election issued by the proper officer or board of canvassers, to state in his complaint in what respect such certificate was improperly or illegally issued, and in case it is claimed that the relator received a majority of legal votes cast for the office, at any legal election to fill such office, he shall also state in such complaint the actual number of legal votes cast for the relator, and for the defendant for such office respectively, and also the number of votes cast for the relator and for the defendant respectively, for such office as determined by the legal canvass of such election, and shall also state the names of the persons whom such relator shall claim voted illegally at such election for the defendant which were canvassed, and in what such illegality consists, and the township or ward where such illegal votes were cast, and the plaintiff and relator shall upon the trial of any such action be confined and restricted to proof as to the illegality of such alleged illegal votes so specified, and shall not be permitted to give evidence of any other illegal votes than those so specified, and if such

complaint shall not contain such specifications, the same shall be held bad upon general demurrer.

Shall apply to all actions of *quo warranto*.

SECTION 2. This act and the provisions of the preceding section shall apply to all actions of *quo warranto*, or actions brought to determine the right to any office now pending, and the defendant may at any time before the trial, demand in writing that the complaint in any such action shall be amended to conform to the requirements of the preceding section and of this act, and the plaintiff and relator shall serve an amended complaint, embracing and containing allegations of facts as required by the preceding section, within twenty days after such demand, and the defendant shall have a like time to answer such amended complaint, and in case such demand is made, all proceedings in the action shall be stayed until such amended complaint be served.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

CHAPTER 128.

[*Published March* 16, 1869.]

AN ACT to amend sections 95 and 97 of chapter 13 of the revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 95 amended.

SECTION 1. Section 95 of chapter 13 of the revised statutes, entitled "of counties and county officers," is hereby amended so as to read as follows: "Section 95. A sheriff shall be elected in each county of this state, organized for judicial purposes, for the term of two years, and shall before he enters upon the duties of his office, execute to the people of this state a bond, with at least three sureties, being freeholders, in such penal sum, not less than five thousand dollars nor more than twenty-five thousand dollars, as the officers approving the same shall specify, which bond shall be approved

by the clerk of the circuit court and county judge of the same county and filed with such clerk; and no person shall be received as such surety who, the persons approving such bond believe, is not worth at least the sum of two thousand dollars over and above all debts, liabilities and property exempt from execution, notwithstanding such surety may have so sworn."

SECTION 2. Section 97 of said chapter is hereby amended so as to read as follows: "Section 97. Before such bond shall be approved, an affidavit shall be endorsed thereon or attached thereto, stating that each surety named therein is worth at least two thousand dollars over and above all debts, liabilities and property exempt from execution, which affidavit shall be subscribed by each surety, and taken and certified before some officer authorized to administer oaths." Section 97 amended.

Approved March 9, 1869.

CHAPTER 129.

[*Published March* 11, 1869.]

AN ACT to fix the compensation of the members of the board of supervisors in the counties of Calumet and Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The members of the board of supervisors of the counties of Calumet and Columbia shall each receive three dollars per day for each and every day they shall be employed on the session of the board, and six cents per mile for going to and returning from the place of holding such session. But no supervisors shall be allowed to draw pay for more than twenty-five days' attendance on the county board in one year. Per diem and mileage fees fixed.

SECTION 2. Section 10 of chapter 129 of the general laws of 1861, section 49 of chapter 13 of the revised statutes, and all acts or parts of acts conflicting with the provisions of this act, so far as the counties of Calumet and Columbia are concerned, are hereby repealed. Amended.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 130.

[*Published March* 23, 1869.]

AN ACT to amend sections 1 and 2 of chapter 372 of the general laws of 1864, entitled "an act to authorize the city of La Crosse to aid in the construction of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Sections one and two of chapter 372 of the general laws of 1864, are hereby amended so as to read as follows: Section 1. The common council of the city of La Crosse shall have power to submit to the tax payers who are legal voters resident of said city, the question whether said city shall issue bonds, as hereinafter provided, to aid in the building and construction of a railroad or railroads already built or constructed, or which may hereafter be built or constructed in the state of Minnesota, terminating on the west bank of the Mississippi river opposite said city, or upon any of the islands adjacent thereto, or any railroad or railroads in the state of Wisconsin running to or passing through said city, by giving at least three weeks notice of the time and place of deciding said question, to be published in a public newspaper printed and published in the English language and having a general circulation in said city, and stating in said notice the amount of said bonds, not however to exceed the sum of two hundred thousand dollars for each road so aided. The question shall be decided by ballot, those voting in favor of issuing bonds, voting "for issuing bonds," and those opposed thereto, voting "against issuing bonds." If a majority of the votes cast on said question be in favor of issuing bonds, then said common council may in the discretion of said council, by resolution entered upon the records of said council, issue said bonds under the

Question of aid may be submitted to vote.

Form of ballot.

seal of said corporation, signed by the mayor of said city and countersigned by the clerk thereof.

SECTION 2. If said vote shall be in favor of issuing said bonds, said common council shall have power to issue the same if in their discretion they shall deem it advisable so to do, payable in not less than five years nor more than thirty years from the date thereof, with coupons attached drawing interest at a rate not to exceed seven per cent. per annum, payable semi-annually and at such place or places as said council may deem expedient; and shall have power to lay a special tax on all property taxable in said city to pay said bonds and the interest which may accrue thereon, and to create a sinking fund for that purpose, and to collect such special tax at such times and in such amounts annually as shall be necessary and expedient in the opinion of the council, but said council shall not in any event have power to dispose of said bonds nor any of them for a less sum than the face thereof, together with the interest which may have accrued thereon at the time of the sale thereof, and the same shall be sold for cash only.

If vote in favor, council may issue bonds.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

CHAPTER 131.

[*Published March* 11, 1869.]

AN ACT to provide for the publication and distribution of the laws of Wisconsin concerning the organization and government of towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That the secretary of state be and he is hereby authorized and required to purchase of the compilers, as soon as the same may be ready for delivery, a sufficient number of copies of a work, entitled "laws of Wisconsin concerning the organization and government of towns, and the powers and duties of town

Secretary of state required to purchase laws concerning organization and governm'nt of towns.

officers and boards of supervisors, with numerous practical forms, by J. C. Spooner and E. E. Bryant, counselors at law," to supply each organized town in this state with seven copies, at a cost not to exceed sixty cents per copy, said work to be bound in the same style as Haynes' edition of same, published in 1858: *provided*, said work shall first be submitted to and approved by a committee of three atterneys of the supreme court, to be appointed by the judge thereof, and shall contain, properly arranged, all laws concerning the organization and government of towns which shall be in force at the close of the present session of the legislature.

Shall distribute books to counties.

SECTION 2. The secretary of state shall distribute said books among the several counties of the state, allowing to each county a sufficient number to afford seven copies to each town therein, in the manner now provided for the distribution of the general laws, and to be distributed among town officers as the board of county supervisors of each county may order.

Shall purchase copies to remain in his office.

SECTION 3. The secretary of state shall also at the same time purchase one thousand copies of said book to remain in his office for distribution to towns that may hereafter be organized.

Appropriation.

SECTION 4. There is hereby appropriated out of any money in the state treasury belonging to the general fund, a sum sufficient to defray the expense authorized and required by this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1869.

CHAPTER 132.

[*Published March* 17, 1869.]

AN ACT to amend chapter 122 of the general laws of 1856, entitled an act to grant certain lands to the La Crosse and Milwaukee railroad company, and to execute the trust created by an act of congress, entitled "an act granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state, approved June 3, 1856."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and twenty-two of the general laws of 1856, entitled an act to grant certain lands to the La Crosse and Milwaukee railroad company, and to execute the trust created by an act of congress, entitled an act granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state, approved June 3, 1856, is hereby amended as follows: By striking out of section one of the above entitled act, the words, "and from thence to the west end of Lake Superior and to Bayfield." **Section 1 amended.**

SECTION 2. Section four of said chapter one hundred and twenty-two is hereby amended by striking out from said section the words, "and from thence to the west end of Lake Superior and to Bayfield." **Section 4 amended.**

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 133.

[*Published March* 17, 1869.]

AN ACT to fix the compensation of members of the board of supervisors of Fond du Lac county, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation fixed.

SECTION 1. The members of the board of supervisors of the county of Fond du Lac shall each receive three dollars per day for each and every day they shall be employed on the session of the board, and six cents per mile for going to and returning from the place of holding such session; but no supervisor shall be allowed to draw pay for more than twenty-five days' attendence on the county board in one year.

Repealed.

SECTION 2. Section 10 of chapter 129 of the general laws of 1861, section 49 of chapter 13 of the revised statutes, and all acts or parts of acts conflicting with the provisions of this act so far as the county of Fond du Lac is concerned, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 134.

[*Published March* 19, 1869.]

AN ACT to authorize the counties and towns through which the Winnebago, Waupaca and Mississippi railroad may pass, to aid in its construction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Counties and towns may aid railroad by issue of bonds.

SECTION 1. It shall be lawful for any county through any portion of which any part of the Winnebago, Waupaca and Mississippi railway shall run

or any town or incorporated city or village in such county, to vote, issue and deliver their bonds to said company, payable to such person or persons, trustee or trustees or corporation, or to said company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement or by delivery, in such way and manner as may be agreed upon by and between the directors of said company and the proper officers of said county, town, city or incorporated village; a copy of which said agreement shall be filed in the office of the clerk of the respective incorporations above named, that may vote to issue their bonds under the provisions of this act; and said agreements shall definitely and and specifically specify and set forth the terms and conditions upon which said bonds are to be voted, and to particularly set forth and specify the time when, how and upon what terms and conditions the bonds so voted are to be delivered to said company as provided in this act; and said bonds, when so voted, shall be subject to all the terms and conditions specified and set forth in said agreement, and in no event shall the county, town, city or incorporated village voting said bonds, be in any way or manner liable for the payment of said bonds, until each and all of the terms, conditions and agreements, made and set forth in said agreement above set forth to be performed by and on the part of said railway company, have been fully and completely fulfilled and performed by said railway company as herein set forth; the said agreement so made as aforesaid, to be signed by the president and secretary of said railway company, and the proper officers of the respective incorporations above named voting their bonds as aforesaid, but no such bonds shall be issued or delivered to said company by any such county, town, city or incorporated village unless a majority of the legal voters of such county, town, city or incorporated village voting on the question, shall first have voted in favor of the issuing of said bonds according to the provisions of this act, in the manner hereafter prescribed.

Company shall execute agreement for exchange of bonds

SECTION 2. Whenever the said railway company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town, city or incorporated village, it shall make and execute an agree-

ment in writing with the proper officers of said county, town, city or incorporated village, and file a copy of the same in the office of the clerk of the respective incorporations above named, that it is proposed to have a vote upon said question, as is provided in section one of this act, which said agreement shall contain in addition to what is provided for in section one of this act, a distinct statement of the amount of the stock or of the bonds of said company, which the said company propose to issue to such county, town, city or incorporated village, the time when said bonds shall be payable, the amount for which they shall be respectively issued, the rate of interest which they bear, and it shall also contain a distinct statement of the amount of the bonds of such county, town, city or incorporated village which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or trustees, or corporation to whom they shall be payable, the mode of transfer, the amount of each bond, and the aggregate amount, the rate of interest and the time of payment. Upon the execution and filing of the said agreement, as is provided in section one of this act, the clerk of the county board of supervisors of such county, the town clerk or clerk of said city or incorporated village, shall publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, city or incorporated village at the usual place or places of holding elections in such county, town, city or incorporated village, and at such times as said clerks may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full recital of the agreement filed in the offices of the several clerks, as is provided in section one of this act, with reference to the exchange of the stock of the company or bonds for the bonds of such county, town, city or incorporated village, and shall call upon the voters to deposit a ballot, upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition."

Question to be submitted to vote of electors.

Form of ballot.

How election held and conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, cities or incorporated villages are required by law to be held and conducted, and the votes cast at such election shall be counted, canvassed

and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, city or incorporated village, a statement of the whole number of votes cast upon the question as well as the number for the railway proposition, and of the number against the railway proposition; and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Duty of officers when vote is in favor of issuing bonds.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, city or incorporated village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote "for the railway proposition," it shall be the duty of the proper officers in every such county, town, city or incorporated village, upon receiving from the directors of said railway company, stock or bonds, in conformity with the agreement with said company, to issue and deliver the bonds of said county, town, city or incorporated village, as is provided and agreed upon in the agreement made and filed according to the provisions of section one of this act.

Who shall be construed to be county and town officers.

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act, are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county; the chairman of the town board of supervisors and the town clerk in each town; the mayor and city clerk of each incorporated city and the president and clerk of each incorporated village; and all bonds issued by any of the said counties, incorporated cities or villages, shall be signed by the proper officers as aforesaid, of the said counties, incorporated cities or villages, under their corporate seals respectively, and all such bonds issued by any such town shall be signed by the proper officers of such towns, and have affixed to them the official certificate of the clerk of the board of supervisors, under his official seal, that they are such officers, and their signatures are genuine.

Counties and towns to be severally liable for

SECTION 6. Every county, town, incorporated city or village, which by the provisions of this act is author-

payment of principal and interest of bonds.

ized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity to pay and discharge the principal and interest due upon every such bond when all the terms and conditions specified and mentioned in the agreement named in section one of this act are fully and completely complied with and fulfilled; and in no case shall said counties, towns, incorporated cities and villages be liable upon said bonds, nor shall any action at law be maintainable upon said bonds in any of the courts of this state to enforce the collection of the same, until all the terms and conditions in said agreement are complied with, but when that is done by said railway company or its assigns, the separate faith of every such county, town, incorporated city or village, shall, when the terms and conditions before named are complied with, by the issue of said bonds, be irrevocably, inviolably pledged for the prompt discharge of every such liability; every such county, town, incorporated city or village, shall annually levy a tax on all its taxable property for the payment of the annual interest on all bonds which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the amount of the annual interest on all the bonds which it may issue as aforesaid.

One member of each county and town board to attend annual meetings of railroad company.

SECTION 7. The board of supervisors of any county or town, the common council of any city and the trustees of any village, shall annually appoint one of their number, who shall attend the annual meetings of the stockholders of said railway company for the election of officers thereof, and shall be entitled to cast one vote for every share of stock which said county, town, incorporated city or village shall hold in said railway company, and in case of his inability to attend, to appoint in writing, under their hands, some other person who shall have the same power.

Stock and bonds of railroad pledged for payment of county and town bonds.

SECTION 8. The shares of stock in said railway company, or the bonds of said company thus taken by said counties, towns, incorporated cities and villages, and all dividends and interest arising from the same, are hereby pledged for the payment of the principal and interest of said county, town and incorporated city or village bonds: *provided, however*, that the board of supervisors of any county or town, the common council of any incorporated city or trustees of any incor-

porated village, may sell such shares of stock or bonds, and other securities of said company; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 135.

[*Published March* 17, 1869.]

AN ACT to repeal chapter 67 of the general laws of 1867, in relation to deserters from the military and naval service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 67 of the general laws of 1867, entitled "an act to authorize the secretary of state to procure and furnish to clerks of county boards of supervisors authenticated lists of deserters from the military and naval service of the United States, and to provide for their distribution," is hereby repealed. **Repealed.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 136.

[*Published March* 17, 1869.]

AN ACT to amend section 46 of chapter 164 of the revised statutes, entitled "of offences against the lives and persons of individuals," and sections 6 and 48 of chapter 165 of the revised statutes, entitled "of offences against property."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 46 amended.

SECTION 1. Section forty six of chapter one hundred and sixty-four of the revised statutes is hereby amended so as to read as follows: "Any person who shall wilfully and maliciously place any obstruction upon the track of any railroad in this state, or take up or displace a rail or switch or signal, or remove a spike, or otherwise injure, break down or destroy the bridge, road bed or other structures of such railroad, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term of not less than two nor more than ten years."

Section 6 amended.

SECTION 2. Section six of chapter one hundred and sixty-five of the revised statutes is hereby amended so as to read as follows: "Every person who shall wilfully and maliciously burn any pile or parcel of boards, wood, railroad ties, timber or other lumber, or any stack of hay, grain or other vegetable product, or any vegetable product severed from the soil but not stacked, or any standing grain, grass or other standing product of the soil, shall be punished by imprisonment in the state prison, not more than two years nor less than six months."

Section 48 amended.

SECTION 3. Section forty-eight of chapter one hundred and sixty-five of the revised statutes is hereby amended so as to read as follows: "Every person who shall wilfully or maliciously break down, injure, remove or destroy any public or toll bridge or railroad, a plankroad or telegraph posts or wires, or any turnpike or plankroad gate, or any lock, culvert or embankment of any canal, or remove or displace any machinery or fixture of a railway, or uncouple or disconnect any

railway cars, or shall wilfully or maliciously make an aperture or breach in any canal or railway embankment with intent to destroy or with intent to obstruct, impede or prevent the use or operation of the same, or injure the same, shall be punished by imprisonment in the state prison not more than three years nor less than six months, or by fine not exceeding six huudred dollars nor less than fifty dollars."

Approved March 10, 1869.

CHAPTER 137.

[*Published March* 17, 1869.]

AN ACT to amend chapter 176, of the revised statutes, entitled of the arrest and examination of offenders, commitment for trial and taking bail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and seventy-six of the revised statutes, entitled "of the arrest and examination of offenders, commitment for trial and taking bail," is hereby amended by adding thereto a section as follows, viz: Section 35. Whenever any person charged with having committed an offence shall be brought before any court commissioner for examination in accordance with the provisions of this chapter, if such person before commencement of the examination shall make oath that from prejudice or other cause he belives that the court commissioner will not decide impartially in the matter, then said court commissioner shall transmit all the papers in the case to the nearest court commissioner qualified by law to conduct the examination, who shall proceed with the examination in the same manner as though said defendant had been brought before him: *provided*, there shall be more than one court commissioner in the same town, city or village, and in case there shall be only one court commissioner in any town, city or village, then such court commission-

Amended.

How place of examination of person charged with crime may be changed.

er shall transmit all the papers in the case to the county judge of the county in which such proceedings shall be had, who shall proceed with the examination in the same manner as though said defendant had first been brought before him: *provided, further*, that no case shall be so removed after a second adjournment had therein, and only one removal shall be allowed in the same case.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 138.

[*Published March* 17, 1869.]

AN ACT to amend section 127, general laws 1868, entitled an act to authorize the governor to pay for the expenses of boarding and supporting Wisconsin soldiers in the "St. Mary's hospital of Milwaukee charitable eye and ear infirmary," who are afflicted with diseases of the eye and ear, contracted while in the service of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

Governor may furnish board for indigent soldiers at hospital

SECTION 1. Chapter 127 of the general laws of 1868, is hereby amended so that said chapter when so amended will read as follows: Section 1. The governor of this state is hereby authorized to furnish board and support for such indigent Wisconsin soldiers as are afflicted with diseases of the eye and ear, contracted while in the military service of the United States, at the "eye and ear infirmary department of St. Mary's hospital, Milwaukee," as he may deem proper subjects for treatment at said infirmary. Section 2. The governor is hereby authorized to contract with the trustees of such institution for the board and support, and with an oculist for the treatment of the persons mentioned in the first section of this act, and shall be at liberty at any time to put an end to such contract or contracts both as to individual cases, and generally when he

shall deem it proper to do so for the interest of the state. Section 3. There is hereby appropriated out of the general fund for such purposes, the sum of one thousand dollars to be used at the discretion of the governor for the purpose aforesaid, to be drawn upon his order.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 139.

[*Published March* 16, 1869.]

AN ACT prohibiting the introduction of Texas and Cherokee cattle into the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That it shall not be lawful for any one to bring into this state, or own or have in their possession any "Texas or Cherokee" cattle. **Prohibited.**

SECTION 2. Any person who shall violate any provisions of this act shall for every such violation, forfeit and pay into the treasury of the county where the offense is committed, a sum not exceeding one thousand dollars, or be both fined and imprisoned in the county jail at the discretion of the court, though such time of imprisonment shall not exceed one year, and such person or persons shall pay all damages that may accrue to any one by reason of the violation of this act. **Penalty for violation of act.**

SECTION 3. This act shall not apply to any Texas or Cherokee cattle now on hand within this state; but persons having such shall be compelled to keep them within the bounds of their own premises or separate from other cattle, and any damage that may accrue from allowing such cattle to run at large and thereby spreading the disease among other cattle shall be recovered from the owner or owners thereof, who shall be liable to all the pains and penalties as provided for in section 2 of this act. **Not to apply to cattle on hand.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 140.

[*Published March* 22, 1869.]

AN ACT to establish the salary of the assistant superintendent of public instruction, and of the corresponding secretary and librarian of the state historical society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries fixed.

SECTION 1. The salary of the assistant state superintendent of public instruction is hereby fixed and established at eighteen hundred dollars per year; that of the corresponding secretary of the state historical society, at one thousand two hundred dollars per year, and that of the librarian of said society at one thousand six hundred dollars per year, to be drawn quarterly from the state treasury on the warrant of the secretary of state; and there is hereby annually appropriated out of any moneys in the state treasury not otherwise appropriated, a sum sufficient to pay said salaries.

SECTION 2. All acts and parts of acts inconsistent or conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

by the clerk of the circuit court and county judge of the same county and filed with such clerk; and no person shall be received as such surety who, the persons approving such bond believe, is not worth at least the sum of two thousand dollars over and above all debts, liabilities and property exempt from execution, notwithstanding such surety may have so sworn."

SECTION 2. Section 97 of said chapter is hereby amended so as to read as follows: "Section 97. Before such bond shall be approved, an affidavit shall be endorsed thereon or attached thereto, stating that each surety named therein is worth at least two thousand dollars over and above all debts, liabilities and property exempt from execution, which affidavit shall be subscribed by each surety, and taken and certified before some officer authorized to administer oaths." Section 97 amended.

Approved March 9, 1869.

CHAPTER 129.

[*Published March* 11, 1869.]

AN ACT to fix the compensation of the members of the board of supervisors in the counties of Calumet and Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The members of the board of supervisors of the counties of Calumet and Columbia shall each receive three dollars per day for each and every day they shall be employed on the session of the board, and six cents per mile for going to and returning from the place of holding such session. But no supervisors shall be allowed to draw pay for more than twenty-five days' attendance on the county board in one year. Per diem and mileage fees fixed.

SECTION 2. Section 10 of chapter 129 of the general laws of 1861, section 49 of chapter 13 of the revised statutes, and all acts or parts of acts conflicting with the provisions of this act, so far as the counties of Calumet and Columbia are concerned, are hereby repealed. Amended.

lands in the county of Marquette, that have not been once sold, and all such lands that have been once sold and forfeited to the state and now held by the state, to the uniform price of fifty cents per acre: *provided*, the above reduction shall not apply to any of said lands now under contract and which may hereafter become forfeited to the state, until the expiration of two years after such forfeiture.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 143.

[*Published March 23, 1869.*]

AN ACT to authorize the secretary of state to audit and allow the claim of R. B. Hammond for moneys improperly paid to the state treasurer for taxes on lands sold by the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to audit account.

SECTION 1. The secretary of state is hereby authorized and directed to audit and allow a claim of R. B. Hammond to the amount of thirty-four dollars, on account of money improperly paid by him to the state treasurer for taxes on lands sold by the state, and to which the state had no title.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sufficient amount to pay said claim.

Approved March 10, 1869.

CHAPTER 144.

[*Published March 23, 1869.*]

AN ACT to amend chapter 215 of the general laws of 1860, entitled "an act providing for a lien for labor and services upon logs and lumber in certain counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 215 of the general laws of 1860, entitled "an act providing for a lien for labor and services upon logs and lumber in certain counties," is hereby amended by adding thereto as follows: "*provided*, that before any suit shall be commenced to enforce such lien, the person or persons claiming a lien shall notify the owner or owners of the logs or timber, if such owner or owners are known to him or them, by serving a written notice on such owner or owners of the filing of the petition for a lien, which notice shall state the time and place of the filing of such petition, the amount claimed therein, the mark of the logs or timber upon which a lien is claimed and the name of the person for whom the labor was performed. Such notice may be served personally or by depositing the same in the postoffice, directed to the owner of said logs or timber at his place of residence, and prepaying the postage thereon, and if personally served, said notice shall be served five days before the commencement of said suit, and if served by mail, the said action shall not be commenced until fifteen days have elapsed after the mailing of the same."

Amended.

Persons claiming lien on logs to notify owner.

SECTION 2. Said chapter is further amended by adding thereto a new section, which shall stand in place of section 22, as follows: Any person being the owner or claiming to be the owner of the logs or timber against which a lien is sought to be enforced, under the provisions of this chapter or of any portion thereof, may appear and defend in the said action in the same manner as if made a party to the said action.

Owner or claimant may appear and defend.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 145.

[*Published March* 23, 1869.]

AN ACT to provide for the publication of the times of holding the terms of the circuit court in the several counties of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to prepare statement of terms of court.

SECTION 1. It shall be the duty of the secretary of state annually to prepare a statement, showing the times and places of holding the terms of the circuit court in the several counties of this state, and in such statement to refer to the law fixing the time for holding such terms.

To be published with general laws.

SECTION 2. The statement when so prepared shall be published with the general laws for the year 1869, and thereafter shall be annually corrected by the secretary of state and published with the general laws.

SECTION 3. This act shall take effect and be in force from and after the passage and publication thereof.

Approved March 10, 1869.

CHAPTER 146.

[*Published March* 16, 1869.]

AN ACT to amend section 15 of chapter 133 of the revised statutes, relating to witness fees in courts of record.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. That part of section 15 of chapter 133 of the revised statutes of the state of Wisconsin, relating to the fees of witnesses in courts of record is hereby amended so as to read as follows: Section 15. For attending in any one action or proceeding in a court of

record, one dollar for each day, and fifty cents for each half day.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 147.

[*Published March* 23, 1869.]

AN ACT to amend chapter 446 of the general laws of 1864, entitled "an act to authorize the formation of corporations for the encouraging and aiding of Wisconsin patents."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 446 of the general laws of 1864, entitled "an act to authorize the formation of corporations for the encouraging and aiding of Wisconsin inventors and patentees," is hereby amended by striking out "Wisconsin" where it occurs in said chapter and the title thereof. **Section 1 amended.**

SECTION 2. Section 11 of said chapter is hereby amended by striking out the word, "tenth" where it occurs in the third line, and insert "third" in lieu thereof. **Section 11 amended.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 148.

[*Published March* 16, 1869.]

AN ACT to amend sections 27 and 40 of chapter 13, revised statutes, entitled "of counties and county officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 27 amended.

SECTION 1. Sections 27 and 40 of chapter 13 of the revised statutes, entitled, "of counties and county officers," are hereby amended so as to read as follows: Section 27, subdivision 8. It shall be the duty of the said board of supervisors, in all cases when accounts are presented against the county for examination and allowance, in auditing the same, to designate particularly each item in such account disallowed, and the amount thereof disallowed (if any part thereof be disallowed), and the said board of supervisors shall direct orders to be drawn and issued to the claimant for the amount of such account settled and allowed, which the claimant may have and receive without prejudice to any right of appeal hereinafter granted from such part of his account as may be disallowed.

Section 40 amended.

SECTION 2. (Section 40.) When any claim of any person against a county shall be disallowed in whole or in part by the board of supervisors, such person may appeal from the decision of such board so disallowing the whole of said claim, or from that part of the claim so disallowed by said board, to the circuit court for the same county, by causing a written notice of such appeal to be served on the clerk of such board within thirty days after the making of such decision, and executing a bond to such county, with sufficient surety to be approved by the clerk of said board, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March, 10, 1869.

CHAPTER 149.

[*Published March 23, 1869.*]

AN ACT relating to the drainage fund of Outagamie county, and to amend chapter 94 of the general laws of 1866.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 94 of the general laws of 1866 is hereby repealed. **Repealed.**

SECTION 2. Within sixty days from the passage of this act, the Outagamie county swamp land commissioners shall render to the board of supervisors of the county of Outagamie, a full and accurate account under oath, of all lands disposed of by them under the act hereby repealed, and of the price received by them therefor, all moneys received by them under said act, of all moneys expended by them under said act, stating fully the items of expenditure and for what purposes such expenditure was made, the amount of money received by them under the provisions of said act that remains unexpended. **Swamp land commissioners shall render account to board of supervisors.**

SECTION 3. Within sixty days from the passage of this act, the Outagamie county swamp land commissioners shall pay over to the county treasurer of Outagamie county, the full amount of moneys received by them under the provisions of said act, which has not been expended by them previous to the passage of this act, under the oath of said commissioners, and they shall also deliver to said county treasurer, under oath, all property held by them as said swamp land commissioners. **Shall pay over money to county treasurer.**

SECTION 4. Within sixty days from the passage of this act, the said Outagamie county swamp land commissioners shall also deliver, under oath, to the clerk of the board of supervisors of Outagamie county, all books, records and accounts kept by them as such commissioners or by either of them, and by the clerks and officers employed by them in the business of said commissioners since their organization. **Shall deliver books and records to clerk of board.**

SECTION 5. If said Outagamie county swamp land commissioners, or either of them, shall refuse or neglect **Penalty for neglect.**

to render the accounts mentioned in this act, or shall neglect or refuse to do or perform any act or acts required by them or either of them, they or either of them, shall be guilty of a misdemeanor, and on conviction, shall be punished therefor by imprisonment in the county jail, not exceeding one year nor less than six months, and by fine not exceeding one thousand dollars nor less than five hundred dollars, and they shall be further liable to be sued for any deficiency of any money in their hands, and the county board of supervisors of Outagamie county are hereby authorized to sue for and recover of the said commissioners any moneys remaining in the hands of said commissioners unexpended, unless the said commissioners shall pay the same into the county treasury as hereinbefore provided.

Supervisors vested with disposition of lands and funds.

SECTION 6. The board of supervisors of Outagamie county are hereby authorized to act for and on the part of said county in the execution of the trust created by said chapter 94 of the general laws of 1866, and to fill the vacancy created by the repeal of section 2 of said chapter as provided for in section one of this act, and in such capacity, shall be capable in law of taking, holding, leasing and contracting for, selling and conveying the lands or any portion thereof, described in the first section of said chapter, and appropriating the moneys arising from the sale thereof, so far as may be necessary for the purposes mentioned in said act and no further, and in that capacity may contract and be contracted with, sue and be sued, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of said act, as the same are therein set forth; and in all succeeding sections of said act, the powers and duties therein conferred upon the Outagamie county swamp land commissioners, are by virtue of this act conferred upon the board of supervisors of Outagamie county.

SECTION 7. All acts and parts of acts contravening (*with*) the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 150.

[*Published March* 16, 1869.]

AN ACT to amend chapter 79 of the general laws of 1862, relating to the registration of marriages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 79 of the general laws of 1862, relating to the registration of marriages is hereby amended, by adding to the first section thereof the following proviso: "*provided*, that such action shall not lie unless the same be brought before such certificate of marriage be actually delivered to the register of the proper county." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 151.

[*Published March* 16, 1869.]

AN ACT to codify the laws relating to normal schools, and to amend chapter 94 of the general laws of 1859, and chapter 116 of the general laws of 1866.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the provisions of law which direct the application and use of swamp and overflowed lands of this state, and of the lands selected in lieu of swamp and overflowed lands, and of the moneys received on sale of such swamp and selected lands, and of moneys received from the United States in lieu of swamp lands for the purpose of drainage, and for supporting common schools, normal schools and acade- All laws repealed affecting disposition of swamp land fund.

mies, are hereby repealed, and all acts granting or offering to grant, or authorizing the conveyance of any such lands to any county, town, corporation, officer, board or to any person or persons, are hereby repealed; and such grants, offers and authority are revoked and annulled, except so far as the title to such granted lands may have been actually diverted under such acts: *provided*, that nothing herein contained shall impair the obligation of any contract heretofore made.

To constitute the normal school and swamp land funds.

SECTION 2. All the swamp and overflowed lands heretofore received by this state from the United States under and in pursuance of an act of congress, entitled "an act to enable the state of Arkansas and other states, to reclaim the swamp lands within their limits," approved September 28, A. D. 1850, and which are now owned by this state, and all lands now owned by this state which were selected in lieu of swamp and overflowed lands, as authorized by an act of congress, entitled an "act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, A. D. 1855, and all moneys received from the United States in lieu of swamp and overflowed lands, under the provisions of the act of congress last aforesaid, and all moneys received by this state as purchase money for swamp and overflowed lands, and for lands selected as aforesaid in lieu of swamp and overflowed lands, including the amounts loaned and invested, together with all sums due or to become due, as balance of purchase money on contracts for the sale of such swamp lands and selected lands, shall after deducting the incidental expenses heretofore paid from said funds, and the losses sustained therefrom, as near as they can be conveniently ascertained, be divided into two equal parts, the one part to be denominated, "the normal school fund," and the other to be denominated, "the drainage fund." In making the partition between such funds, the swamp lands and moneys receivable on contracts for the sale of swamp lands, shall, as far as practicable, regard being had to the mode of distribution required by section six of this act, be set apart to the drainage fund; and the moneys received in lieu of, and in payment of lands as aforesaid, including the sums invested, and the lands selected in lieu of swamp lands, and the moneys receivable on contracts for the sale of such selected lands, shall, as far as practicable, be set

How fund shall be divided.

apart to the normal school fund; and for the purpose of making such partition, one dollar shall be taken to be the equivalent of one acre of such land.

Shall be partitioned by counties.

SECTION 3. All the swamp and overflowed lands which this state shall hereafter receive, pursuant to said act of congress, approved September 28, A. D. 1850, shall, on receipt thereof, be partitioned equally by counties, between the drainage fund and the normal school fund, and the part known as drainage fund, shall be set apart to the counties respectively, in which such lands lie, to be used and applied as the other drainage fund belonging to such counties is by this act directed to be used and applied. And all moneys which this state shall hereafter receive from the United States in lieu of swamp and overflowed lands, shall, on receipt thereof, be equally divided between the drainage fund and the normal school fund; and that part which is known as the drainage fund shall be distributed to the several counties in proportion to the number of acres of swamp land therein, and shall be used and applied as the other drainage fund belonging to such counties is by this act, directed to be used and applied.

Moneys shall be equally divided.

How normal school fund invested.

SECTION 4. The land belonging to the normal school fund shall be sold, and the moneys arising from such sales, and all other moneys belonging to that fund, shall be invested in the same manner and by the same officers as are now provided by law for the sale and investment of the school fund.

How income applied.

SECTION 5. The income of the normal school fund shall be applied to establishing, supporting and maintaining normal schools, under the direction and management of the board of normal school regents: *provided*, that twenty-five per cent. of said income shall be annually transferred to the school fund income, until the annual income of the school fund shall reach the sum of two hundred thousand dollars.

How drainage fund apportioned.

SECTION 6. The drainage fund, constituted as provided in section two of this act, shall be apportioned by the commissioners of school and university lands among the several counties in this state, in proportion to the number of acres of swamp and overflowed lands, situated in such counties respectively; and from the amount so apportioned to each county, shall be deducted the amount heretofore paid to such county (if any,) or to any town or towns in said county, or for the bene-

fit of such county or town, or which has been granted to be used or expended in such county, (such grant not being revoked,) either in cash, as proceeds of swamp lands sold, or by transfer of swamp lands situated therein; and the balance so ascertained, shall represent the amount of drainage fund to which each of the several counties is entitled, and such amount or share shall be set apart to each of the counties respectively, in the manner following:

Commissioners shall set apart swamp lands to counties.

1st. The commissioners shall set apart to each county, out of the swamp lands so belonging to the state and situated in such county, a number of acres of swamp lands equal to its share of the drainage fund.

If not sufficient lands in any county, deficiency to be made up.

2d. If in any county there is not a sufficient quantity of such lands now belonging to the state, to make the share apportioned thereto, then the deficiency on such share shall be made firom the lands in such county, which have been sold by the state on contracts on which there remains a balance unpaid, each dollar receivable from such contracts, to be taken as the equivalent of one dollar or one acre, in making up such deficiency.

When deficiency to be made up in money.

3d. If in any county the swamp lands now belonging to the state, together with the amount receivable on the contracts for the sale of swamp lands in such county, shall be insufficient to make the share apportioned thereto, then the deficiency on such apportioned share shall be made up in money as soon as practicable, from the first moneys received from the sale of swamp lands which is not otherwise appropriated. The selection of drainage lands to make the share from each county shall be made from the lists of swamp and overflowed lands in the office of the commissioners, and shall be so made that the drainage lands and the normal school lands shall be located alternately, as near as practicable, in proportion to the number of acres due to each fund, and so that the lands of both funds shall be proportionately distributed.

Lands to be held in trust by commissioners of school and university lands.

SECTION 7. All the swamp and overflowed lands selected for the counties, respectively, in which such lands are located, in the manner provided in this act, shall be held by the commissioners of school and university lands and their successors in office, in trust for the counties respectively, in which such lands are situated. The lands so held by the commissioners and

their successors in office, shall be sold and conveyed by said commissioners exclusively for cash, in the same manner as now provided by law for the sale of swamp and overflowed lands.

They shall make out full description of lands, to be transmitted to town clerk.

SECTION 8. The commissioners of school and university lands shall, as soon as they have completed the division of the swamp and overflowed lands in the manner provided in this act, make out or cause to be made out, a full description of the drainage lands in each county wherein any such lands are situated, and transmit the same to the clerk of the board of supervisors of such county, who shall make out and transmit to the town clerk of each town, a list of such lands lying in such town, and such town clerk shall keep in his office such description of unsold swamp and overflowed lands in his town, for the inspection of the public.

Shall make out statement of all lands sold.

SECTION 9. The commissioners of school and university lands shall, on the first Monday in June of each and every year, make out a statement of all swamp and overflowed lands sold by them in trust for the counties respectively, setting forth the description of all the lands sold in each county, the price of each tract and the total amount received by them for all such land sold in such county, and transmit a copy of such statement to the clerk of the board of supervisors of the proper county, who shall make and transmit to the clerk of each town a copy of that portion of such list which relates to lands lying in such town. They shall, at the same time, report to the clerk of the board of supervisors of the proper county, the amount of other moneys received by them which belongs to the drainage fund of such county, specifying in such report the sources from which such moneys are received, so as to enable such clerk to apportion the same to the several towns of his county, according to the provisions of this act.

Shall report to clerk of board the amount of moneys received.

Moneys shall be paid over to county treasurer.

SECTION 10. All the money received by the commissioners of school and university lands from the sale of swamp and overflowed lands belonging to the respective counties wherein such lands so sold are situated, and all other moneys received by them belonging to the drainage fund of the respective counties, shall on the first Monday in June in each and every year, or as soon thereafter as the accounts can be made up, be paid

over to the county treasurers of the respective counties, except so much as may be required to pay the expenses incurred by said commissioners in discharging their duties under this act, in relation to such drainage fund.

Clerk of board shall apportion to towns.

SECTION 11. On receiving the statement and report as provided in section nine of this act, the clerk of the board of supervisors shall apportion the drainage moneys to the several towns of his county, as follows:

1st. He shall apportion to each town all the moneys, both principal and interest, which have been received during the then previous year, on account of lands situate in such town.

2d. All other drainage moneys he shall apportion among the several towns according to the number of acres of swamp lands situate in each. He shall transmit to the county treasurer a statement of the amount so apportioned to the several towns, who shall file the same in his office.

All income now unexpended may be apportioned to towns.

SECTION 12. All drainage fund income now remaining unexpended in the several counties, may be apportioned by the boards of supervisors of such counties to the several towns, in such shares as they shall deem equitable and just.

County treasurer shall execute bond.

SECTION 13. Each county treasurer, before receiving the moneys directed to be paid to him in the next preceding sections of this act or any part thereof, shall execute to the chairman of the county board of supervisors of such county, a bond with two or more sureties, to be approved by the said chairman, by endorsement over his official signature on said bond, in a penal sum not less than double the amount of such money as shall come into his hands, for disbursement to the respective towns in his county, by reason of this act, conditioned for the faithful disbursement of all such moneys, in such manner as shall be prescribed in this act, which bond he shall deliver to the clerk of the county board of supervisors of said county, to be filed in his office.

Shall give notice to town treasurers.

SECTION 14. It shall be the duty of the county treasurers respectively, immediately upon the receipt of the drainage moneys belonging to their respective counties, to give notice in writing to the treasurer of each town in such county, of the amount of money received by such county treasurer apportioned to such town. Each town treasurer before receiving the drain-

age moneys or any part thereof, belonging to the town of which he is treasurer, shall execute to the chairman of the town board of supervisors of such town a bond, with two or more sureties, to be approved by said chairman, by endorsement over his official signature on said bond, in a penal sum not less than double the amount of such moneys as shall come into his hands by reason of this act, conditioned for the faithful application and disbursement of all such moneys in such manner as shall be prescribed by this act, which said bond he shall deliver to the town clerk of said town to be filed in his office.

Town treasurer shall execute bond.

SECTION 15. The town clerk of said town on the receipt of such bond of the town treasurer, shall file the same and safely keep it in his office, and shall give to the said town treasurer a receipt, stating that he has filed the bond required by the preceding section of this act, which receipt the said town treasurer shall deliver to the county treasurer of his county, who shall, on the delivery thereof, pay over to said town treasurer the amount of such moneys belonging to his said town, and also the moneys, if any, apportioned to said town from the drainage income fund, as hereinbefore provided.

Town clerk shall file bond and give receipt therefor.

SECTION 16. The town treasurer shall receive and safely keep in his possession all such moneys, and shall pay out the same only upon the order of said town board of supervisors, duly signed by the chairman and countersigned by the town clerk, and the said town treasurer shall receive as compensation for the performance of the duties devolving upon him under this act, the sum of two per cent. upon all such moneys as shall pass through his hands by reason of this act.

Town treasurer shall pay out money only on order of town supervisors.

SECTION 17. The said moneys when so paid into the town treasury as provided in this act, shall constitute and be denominated the drainage fund of said town, and shall be under the control of the town board of supervisors of such town, and shall be expended under their direction in draining and reclaiming the swamp and overflowed lands in their town, and in constructing roads and building bridges over and through such lands in said town, when they shall deem such roads and bridges necessary; and in case any portion of said fund shall not be needed for the purposes afore-

Moneys to constitute drainage fund, and how to be used.

said, such portion may be applied to the support of common schools under the direction of the board of supervisors; and such shall not be expended for other purposes. The members of said town board of supervisors shall be entitled to the sum of one dollar and fifty cents per day for each and every day actually employed in the performance of the duties enjoined upon them by this act, to be paid out of the drainage fund of such town.

Laws for protection of school lands applicable to swamp lands.

SECTION 18. All laws that may be in force for the protection of school and university or other state lands, or punishing trespasses thereon or injuries thereto, are hereby extended and made applicable to the protection of the swamp and overflowed lands, mentioned or contemplated in this act, whether such lands belong to the normal school fund, or are held by the commissioners of school and university lands, in trust for the counties respectively, wherein such lands are situated. And any person may enter complaint, and it shall be the duty of any town officer to enter complaint before a justice of the peace, against any person or persons trespassing upon any swamp and overflowed lands, or other state lands, in the town wherein the complainant resides, whether such lands belong to the state, or are held in trust for the county as provided by this act.

Commissioners to graduate and reduce price of lands.

SECTION 19. The commissioners of school and university lands are hereby authorized and required, in the manner now provided by law, to graduate and reduce the price per acre for which the swamp and overflowed lands may be sold, whether such lands belong to the normal school fund, or are held in trust by said commissioners for the counties, as contemplated and authorized in this act: *provided*, none shall be sold for a less price than seventy-five cents per acre.

Town supervisors may lease lands.

SECTION 20. The town board of supervisors of any town wherein any swamp and overflowed lands are situated, may lease for the purpose of cutting grass or picking cranberries therefrom for the term of one year, any such lands upon which marsh hay may be cut or cranberries may be picked, for such price per acre as they may determine and agree upon. All moneys received by any town board of supervisors on any such leases shall be added to the drainage fund of their town. It shall not be lawful to cut any timber from lands leased as provided in this section.

SECTION 21. The terms, "swamp lands," and "swamp and overflowed lands," used in this act shall be construed to mean all the lands which may have been transferred to the state in pursuance of the act of congress, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850. How terms "swamp lands," etc., to be construed.

SECTION 22. The commissioners of school and university lands, in lieu of all compensation for services rendered necessary by this act, shall be entitled each to receive fifty cents on every certificate, and fifty cents on every patent hereafter issued by them; and no revenue stamp need be affixed to such patents or certificates, anything in chapter 159 of the general laws of 1863 to the contrary not withst nding. Fees for commissioners for certificates.

SECTION 23. The division and partition of the lands and funds provided for in this act shall be made and be in force from and after the first day of June next, and in all other respects this act shall be in force from and after its passage and publication. And it shall be the duty of the commissioners of school and university lands to cause a sufficient number of copies of this act to be published from time to time, to furnish town clerks and the clerks of the boards of supervisors of the towns and counties, respectively, wherein any such swamp and overflowed lands are situated, with printed copies of this act; and they shall forward by mail or otherwise, printed copies of this act to all such town clerks and clerks of boards of supervisors, respectively, as soon as possible after the passage and publication of this act. When division of land to be made.

SECTION 24. For the purpose of more fully carrying out the provisions of this chapter, there shall be a board of nine regents, to be called the "board of regents of normal schools." They shall be appointed by the governor, by and with the approval of the senate. The governor and the superintendent of public instruction shall be *ex officio* members of said board of regents. The governor shall have power to fill all vacancies which may occur by death, resignation or otherwise, until the next meeting of the legislature, or while the legislature is not in session, but the appointments thus made shall be confirmed by the senate during the next succeeding session of the legislature. The term of office of all members of the board of regents hereafter Board of nine regents to be appointed by the governor. Term of office.

to be appointed (except when such appointment is for an unexpired term), shall commence on the first day of February, and shall continue for three years, and until others are appointed and confirmed as required by law. The board of regents shall be divided into three classes, so that the term of office of one class shall expire each year. As vacancies occur hereafter, appointments shall be made so that not more than two members of the board shall reside in any one congressional district. The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and, until their successors are elected, and shall perform the duties incident to their several offices. The board of regents shall hold an annual meeting at the capital of the state, on the second Wednesday of April in each year, or at such time as may hereafter be designated by said board.

Divided into three classes.

Officers of the board.

Annual meeting.

Quorum.

SECTION 25. A majority of the board of regents shall constitute a quorum for the transaction of business but a less number may adjourn from time to time. Special meetings of the board of regents may be called by the governor or president of said board, on a petition signed for that purpose by any three members of the board. At all special meetings of the board, two-thirds of all the regents shall be neeessary to constitute a quorum. Any regent may be removed from office for cause, by a vote of two-thirds of the board.

Special meetings.

Corporate rights and powers.

SECTION 26. The board of regents and their successors in office, are hereby constituted a body corporate, with the name and style of "the board of regents of normal schools of the state of Wisconsin;" and under that name and style shall have perpetual succession, with the right to purchase, have, hold, control, possess and enjoy to them and their successors in office, in trust for the state of Wisconsin, for educational purposes solely, any lands, tenements, hereditaments, goods, chattels and effects of whatsoever nature or description the same may be, which may be necessary and required for the legitimate purposes, objects and uses of the state normal schools authorized by this act, and none other, with full power to sell or dispose of such personal property, or any part thereof, when in their judgment it shall be for the interest of the state; to make all such contracts

and agreements as shall be necessary to carry into effect the purposes of this act; to sue and be sued, plead and be impleaded, in all courts of this state; to have and use a common seal, and the same to change, alter or renew at pleasure; to make such by-laws and regulations as they may deem proper for the well ordering and government of said corporation, and the transaction of its business: *provided*, that said board of regents shall not have power to sell, mortgage or dispose of, in any way, any real estate so held by them as aforesaid, without the express authority of the legislature of this state, nor have power to borrow money; nor shall the indebtedness contracted or liabilities incurred by said board of regents, ever at any time exceed in the aggregate the amount of money which under the provisions of law shall then be at their disposal, in the hands of the state treasurer; nor shall the said board of regents ever reduce the amount at their disposal, in the hands of the state treasurer, below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability; *and provided, further*, that the proceeds derived from the sale of any real or personal estate by said board of regents, shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

Not to dispose of lands or borrow money without authority of legislature.

SECTION 27. The said board of regents of normal schools shall have power and authority to demand and receive the sum or sums of money donated and subscribed by any persons, or any town, incorporated village, city or county of this state, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same to the erection and completion of the required buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for the various other incidental expenses to be incurred by said board in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same to the expenses of conducting said normal schools, and any deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the income of the normal school fund, not to exceed the sum of fifteen thousand dollars for the completion of the buildings of any one normal school, and for furniture

May receive donations to aid in erecting school buildings, etc.

How surplus applied.

Moneys to be paid to state treasurer.

and fixtures pertaining to the same. Such money shall be paid by the state treasurer from time to time, on the warrant of the secretary of state, to be drawn in pursuance of the certificate of the secretary of the board, and countersigned by the president, and such other evidence as the secretary of state shall require; and no such certificate shall be issued until the sum or sums donated and subscribed by any person or town, incorporated village, city or county, to aid in the erection of a normal school building, shall have been paid in full into the state treasury nor until work shall be done or services rendered, or buildings erected, or fixtures or furniture purchased for a normal school, under the direction of the board of regents of normal schools, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose.

Members of board not to receive pay except for specific services.

No member of the board of normal regents shall receive any pay for traveling or attendance at any meeting of the board, but for any specific service rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member as the board shall deem just and reasonable, and such compensation, and all moneys actually and necessarily expended by any member in traveling, attending meetings or performing any other duty or service directed to be performed, shall be paid or refunded to him, on duly authenticated accounts presented to and audited by the board, and the amount thus audited shall be drawn from the state treasury only on the warrant of the secretary of state, in pursuance of the certificate of the board, signed by the president and secretary thereof.

Board may designate location of schools.

SECTION 28. State normal schools shall be established and continued at such places as the board of regents of normal schools may designate, upon sites selected by said board, the exclusive purposes of which shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education; also, to give instruction in agriculture, chemistry, in the arts of husbandry, the mechanic arts, the fundamental laws of the United States and this state, and in what regards the rights and duties of citizens.

Purposes of the school.

SECTION 29. The said normal schools shall be under the direction and control of the "board of regents of normal schools," and shall be governed and supported as herein provided. Said board shall proceed to erect suitable buildings upon the sites selected by them, as soon as the title thereto is vested in them in fee, in trust as aforesaid, and the sums of money or United States bonds, or Wisconsin state bonds as security, donated and subscribed for the erection of the buildings, are paid into the state treasury, subject to be drawn only on the warrant of the secretary of state, as provided in section twenty-seven of this act; and they may procure suitable plans and specifications for buildings, and may employ persons to superintend the erection of said buildings.

Board shall direct schools and erect school buildings.

SECTION 30. Said "board of regents of normal schools" shall have power to appoint a principal and assistant and such other teachers and officers as may be required for each of said state normal schools, and to fix the salary of each person so employed and to prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers, or any person employed by them, and to appoint others in their stead. They shall prescribe the various books to be used in the said state normal schools, and shall make all rules, regulations and by-laws necessary for the good government and management of the same; and no member of the said "board of regents of normal schools," shall during his continuance in office as member of said board, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such books, as agent or otherwise, on pain of expulsion by a majority vote of the board. The salaries of the teachers and officers appointed by the board shall be paid at such times as the board shall determine, in the same manner that the expenses of members are paid.

May appoint teachers, prescribe books, etc.

Salaries of teachers—how paid.

SECTION 31. Said board shall also establish a model school or schools for practice, in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may, in their discretion, admit pupils free of charge for tuition.

Shall establish model schools.

Superintendent of public instruction to give notice.

SECTION 32. As soon as any state normal school is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each clerk of the board of supervisors for each county of the state, and the said board of regents of normal schools shall cause notice to be published in at least one newspaper in each congressional district.

Board of reg'nts to make rules.

SECTION 33. The "board of regents of normal schools" shall make such rules and regulations for the admission of students to each normal school, as they may deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or that he will not make an apt or good teacher, such application shall be rejected. The said board may in their discretion, require any applicant for admission to any state normal school, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or secure to be paid, such fees for tuition as to said board may seem proper and reasonable.

Admission of applicants.

Visiting committees to be appointed.

SECTION 34. After any state normal school shall have commenced its first term and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the superintendent of public instruction, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the superintendent of public instruction their views in regard to its success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the 31st day of August, and cover the year preceding such date. The secretary of state shall audit the accounts of the visitors, for expenses actually incurred in examining the normal schools on the certificate of the superintendent of public instruction, of their appointment to that service, and the sums allowed shall be paid by the state treasurer out of the normal school fund income.

Secretary of state shall audit their accounts.

President of board to make report.

SECTION 35. The president of the board of regents of normal schools shall also make to the superintendent of public instruction, an annual report, bear-

ing date of the 31st day of August, which shall contain a full and detailed account of the doings of said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said state normal schools, and such report together with the reports of the different boards of visitors shall be transmitted to the legislature by the superintendent of public instruction, as a part of his annual report, and in addition to what is now required by law.

State treasurer *ex-officio* treasurer of the board.

SECTION 36. The state treasurer shall, by virtue of his office, be the treasurer of the board of regents of normal schools, but the said board shall have power to appoint suitable persons to receive and pay to the state treasurer any tuition fees or other moneys that may be due from any student or other person.

Lectures may be delivered.

SECTION 37. Lectures on chemistry, anatomy, physiology, astronomy, the mechanic arts, agriculture and on any other science or branch of literature that the said board may direct, may be delivered to those attending said schools, in such manner and on such terms and conditions as the said board may prescribe.

Board may grant diplomas and certificates of attendance.

SECTION 38. The said board shall have power to grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted to any person who has not passed a thorough and satisfactory examination in the course of study prescribed by the board of regents of normal schools. Certificates of attendance upon the normal schools may be given on conditions to be fixed by said board. After any person has graduated at any state normal school, and has taught a public school in the state one year, the superintendent of public instruction shall have authority to countersign the diploma of such teacher, after such examination, as to moral character, learning and ability to teach, as to the said superintendent may seem proper and reasonable.

Diploma shall be certificate of qualifications for state at large

SECTION 39. Any person holding a diploma granted by the said board of regents of normal schools, certifying that the person holding the same is a graduate of a state normal school, and that he is qualified to teach a common school, shall, after the same has been countersigned by the superintendent of public instruction, as provided in section thirty-eight of this act, be deemed qualified, and such diploma shall be a certificate of qualification to teach in any common school of

this state, and as such, shall have the full force and effect of a first grade certificate until annulled by the superintendent of public instruction.

May use income for conducting teachers' institutes.

SECTION 40. The board of regents of normal schools are authorized to use so much of the income of the normal school fund, not exceeding five thousand dollars per annum, as in their judgment may be necessary to defray the expenses of conducting teachers' institutes in different parts of the state; and such amount as the board may from time to time expend for such object is hereby appropriated from said income, and shall be drawn from the state treasury in the same manner and under the same restrictions as money for the support of state normal schools.

May give preference.

SECTION 41. It shall be the duty of said board in the discharge of the duties imposed by this act, in providing for holding teachers' institutes, to give the preference to those sections of the state that receive least direct benefit from the state normal schools.

May make rules for institutes.

SECTION 42. The said board, in order to carry out the object of this act, shall have power to make such rules and regulations as they may deem proper, and may employ an agent who shall organize and conduct teachers' institutes, deliver educational addresses, and perform such other work as the board may require him to do in connection with the state normal schools, and who shall, if the said board choose, act as their secretary. The said board may also employ other persons to aid in conducting teachers' institutes, but no person employed by said board in any position or capacity connected with normal schools or teachers' institutes, shall act as the agent of any author, bookseller or publisher.

District boards may allow teachers' time in attending institutes.

SECTION 43. The district board of any school district are hereby authorized in their discretion to give to the teachers employed by them, the whole or any part of the time spent by such teacher or teachers in attending any regular session or sessions of an institute in the county embracing the school district or any part thereof, without deducting anything from his or their wages for the time so spent: *provided*, such teacher or teachers shall furnish to the clerk of the district a certificate of regular attendance at such institute, signed by the person conducting the same; and whenever the report of the district clerk shows that the district school has been supported for the full term of five months

required by law, including the time spent by the teacher or teachers in their employ in attendance at such institute, and that the district board have given to the teacher or teachers the time of such absence, and have not deducted from his or their wages for the time so spent, such district shall be included in the annual apportionment of the income of the school fund: *provided always*, that such school district shall have complied with the laws in all other respects, and is entitled to share in such apportionment.

Board to co-operate with superintendent.

SECTION 44. It shall be the duty of the said board to co-operate with the superintendent of public instruction, so far as practicable, in holding and conducting teachers' institutes, as provided for by this act.

SECTION 45. All other acts and amendments thereto, shall be so construed as to enable the said board to carry out the provisions of this act, and all acts or parts of acts conflicting with this act are hereby repealed.

SECTION 46. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 152.

[*Published March* 16, 1869.]

AN ACT to codify the laws of this state relating to highways and bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town supervisors to be commissioners of highways, and their duties.

SECTION 1. The supervisors of the several towns in this state shall by virtue of their office, be the commissioners of highways in their respective towns, and shall have the care and superintendence of the highways and bridges therein; and it shall be their duty to give directions for the repairing of the roads and bridges within their respective towns; to regulate the roads already laid out, and to alter such of them as they shall deem inconvenient; to cause such of the roads used as highways as have been laid out, but not

sufficiently described, and such as have been lawfully laid out and used as such up to the present time, but not fully and sufficiently recorded, to be ascertained, described and entered of record in the town clerk's office; to cause bridges, which are or may be erected over streams intersecting highways, to be kept in repair; to divide their respective towns into so many road districts as they shall judge convenient, and specify every such division in writing, under their hands, to be recorded in the office of the town clerk in a book kept for that purpose, but no such division shall be made within ten days next preceding the annual town meeting; to assign to each of the said road districts such of the inhabitants liable to pay tax on highways, as they shall think proper, having regard to the nearness of residence as much as practicable; to require the overseers of highways, from time to time, and as often as they shall deem necessary, to perform any of the duties required of them by law; to assess the highway taxes, in their respective towns in each year, as provided by law.

Power to lay out roads.

SECTION 2. The supervisors shall have power in the manner and under the restrictions hereinafter provided, to lay out and establish upon actual survey, such new roads in their respective towns as they may deem necessary and proper; and to discontinue such old roads as shall appear to them to have become unnecessary; and the supervisors of any town within the limits of which may be situated any unincorporated village with a plat of streets and alleys recorded according to law, shall have power at any regular meeting to declare any street or alley in such recorded village plat to be a public highway.

Shall render a statement of highway taxes to board of auditors.

SECTION 3. The supervisors of each town shall render to the board of auditors authorized by law to settle their accounts, at the meeting of such board, in each year, a statement in writing, containing the amount of highway taxes assessed, and the amount which has been collected in their town; the amount of tax collected in money, and the amount paid in labor; the manner in which any moneys raised by the town for the improvements or building of roads or bridges therein, have been disbursed, and the particular items of such disbursements, and an estimate of the sum necessary to be raised by the town for the improvement of

roads and bridges therein for the ensuing year, specifying the improvements required.

SECTION 4. The said board of auditors shall cause such statement to be presented at the then next annual town meeting, and such meeting may vote for the raising of such sum for the improvement of the roads and bridges within the town, as a majority of the electors present may deem necessary; and the same [sum] so voted, shall be levied and collected in the same manner as other town taxes.

Statement to be presented at town meeting.

SECTION 5. It shall be the duty of overseers of highways to repair and keep in order the highways within the several districts for which they have been elected or appointed respectively; to notify all persons assessed to pay highway taxes, of the time when and place where labor will be received in payment for such taxes; to collect all highway taxes, as required by law, and to execute all lawful orders of the supervisors.

Overseers shall keep highways in repair.

SECTION 6. Whenever the amount of highway taxes, assessed by the supervisors in any district shall be deemed insufficient to keep the roads therein in repair, the overseer of such highways may, upon an application in writing, signed by a majority of the inhabitants liable to pay highway taxes in such district, make another assessment on the taxable property in said district, in the same proportion and not exceeding one-third of the amount assessed in the same year by the supervisors on the inhabitants of the district; and the taxes so assessed by an overseer shall be collected and expended in like manner as highway taxes assessed by supervisors are required to be collected and expended.

When overseers may make another assessment.

SECTION 7. It shall be the duty of the chairman of the supervisors of each town in this state, to cause to be erected at the intersection of all main traveled roads within his town with other legally laid out roads, suitable and intelligible post-guides or guide-boards, giving direction and distance from the point of such intersection to adjoining or important towns, the expense to be paid from the treasury of the town.

Chairman of supervisors shall erect guide boards.

SECTION 8. Any chairman of supervisors who shall neglect the duty required by the preceding section, shall forfeit and pay for each month's neglect of such duty, and for each instance of such neglect, for

Penalty for neglect.

the time aforesaid, a fine of five dollars, to be recovered before any justice of the peace of the county, on complaint of any person of lawful age who shall prefer such complaint, one-half of said fine to go to the complainant and the remaining half to the school fund; and the officer who shall be adjudged to pay any fine as provided in this section, shall also be adjudged to pay the costs of prosecution.

Shall keep guide boards in repair.

SECTION 9. It shall be the duty of the chairman as aforesaid to keep in repair all guide-boards erected, as provided in section seven of this chapter, subject to the same penalty for neglect of duty, as provided in the next preceding section; the costs of such repairs shall be paid by the town.

Penalty for defacing guide-boards.

SECTION 10. If any person shall deface, injure or destroy any guide-post or guide-board erected in any town in this state, and shall neglect for the space of ten days thereafter to repair and restore the same to as perfect condition as it was previous to such defacing, injuring or destroying, such person shall be adjudged, on complaint of any person, to pay damages to three times the cost of repairing such guide boards aforesaid, together with costs of prosecution; such damages to be recovered before any justice of the county.

Supervisors to prosecute offenses.

SECTION 11. It shall be the especial duty of any town supervisor who has knowledge that any offense mentioned in section ten has been committed within his town, to make diligent effort for the detection of the person by whom such offense was committed, and to prosecute for and collect the damages for the use of the town.

Oversees may procvre plows, etc.

SECTION 12. Any overseer of highways may if he shall deem it necessary, procure a good and sufficient scraper and plow, or either of them, for the use of his road district, and pay for the same out of the highway taxes by him collected.

Compensation of overseer.

SECTION 13. If any overseer shall be employed more time, in executing the several duties enjoined upon him in this chapter, than shall be necessary for the payment of his highway tax, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the moneys that may come into his hands on account of highway taxes; but he shall not be allowed to pay his own highway tax in money.

SECTION 14. It shall be lawful for any overseer of highways or any person acting under his directions, to enter upon any lands adjoining or near the highway in his district, to construct such drains or ditches as may be necessary for the improvement or preservation of such highways; and any such overseer or persons as aforesaid, may enter upon any unimproved lands adjoining to or near the highways in his district, and gather or dig any stones, gravel or sand and cut any wood or trees and take away the same, for the purpose of making or improving such highway; and in case there shall be within the limits of the highway in any adjoining district, any stone, gravel or sand suitable for the improvement of any such highway, the same may be taken and used to improve the highways in such adjoining district: *provided, however*, that the consent of the overseer of such adjoining district shall be obtained in writing; *and, provided, further*, that all damages, if any, to the adjoining land, may be settled as provided in section 15 of this chapter; but any overseer or other person so entering upon such lands shall carefully avoid doing any unnecessary injury upon the same.

May enter upon lands.

SECTION 15. If any owner or occupant of lands so entered upon for any of the purposes mentioned in the preceding section, shall feel himself aggrieved, he may apply to the supervisors of the town, who shall appoint three disinterested electors of such town to appraise the damages; and such electors being first duly sworn justly and impartially to appraise the damages done upon such lands, shall proceed to estimate the same; and the damages, if any, allowed by them shall be certified under their hands, and the same shall be audited by the town board and paid out of the town treasury; said appraisers shall take into consideration the advantages as well as the damages done to said lands by reason of any improvement made on said road by such materials so taken.

How owners of land may proceed.

SECTION 16. Whenever any highway shall become impassable by reason of any casual interruption from the falling of timber, the destruction of any bridge or the washing away or injury of any part of such highway, it shall be the duty of the overseer of said highway to cause such highway to be put in passable repair as soon as practicable.

Overseers to clear roads of obstructions.

If work is done in excess of tax, how paid.

SECTION 17. If any person, for the purpose of putting such highway in repair, shall expend in labor, material or money, an amount greater than he is assessed to pay on the highway in such year, such person shall be entitled to receive from the overseer of such district, a certificate for the amount of such expenditure above his highway tax, which shall be a good credit, and shall be allowed to the holder thereof on account of any subsequent highway tax assessed in said district.

If overseer refuse to serve, how his place supplied.

SECTION 18. If any person chosen to the office of overseer of highways shall refuse to serve or his office shall become vacant, the supervisors shall by warrant under their hands, appoint some other person in his stead; and the overseer so appointed shall have the same powers, perform the same duties and be liable to the same penalties as overseers chosen at town meetings.

Town clerk shall give notice of appointment.

SECTION 19. The supervisors making such appointment shall cause such warrant to be forthwith filed in the office of the town clerk, and such clerk shall immediately give notice to the person so appointed.

Penalty for refusal or neglect of duties.

SECTION 20. Every overseer of highways who shall refuse or neglect to perform any of the duties required of him by law, or which may be lawfully enjoined upon him by the supervisors of his town, and for the omission of which a penalty is not hereinafter provided, shall for any such neglect or refusal, forfeit the sum of ten dollars, and the said supervisors may remove such overseer and appoint some other person in his stead, as in case of a vacancy.

Duty of supervisors to prosecute.

SECTION 21. It shall be the duty of the supervisors of each town, whenever any overseer of highways of such town has refused or neglected to perform any of the duties required of him by law, forthwith to prosecute such overseer for the recovery of such penalty, and each overseer of highways shall, before he enters upon the duties of his office, execute to the board of supervisors of his town, if a majority of said board so require, a bond, to be filed by the town clerk, in such amount as shall be required by said board of supervisors, conditioned for the faithful discharge of the duties of his office, and the proper application and payment of all moneys that may come into his hands by virtue of said office, as provided by law.

SECTION 22. The supervisors in each town shall meet within eighteen days after the annual town meeting, at such time and place in the town as they may agree upon, and proceed then or at a subsequent meeting, to assess the highway tax in their town for the ensuing year, but the supervisors shall not extend the time for assessing such highway tax beyond the second Monday in May in any year. But no town containing a population of less than five hundred inhabitants in any county in this state, shall hereafter levy or collect a tax of more than one thousand dollars in any one year, for the purpose of constructing roads and bridges in such town; said sum of one thousand dollars to include the amount of money that may be voted at any general or special town meeting, and also the mill tax which the several boards of town supervisors are now by law authorized to levy as a highway tax in this state.

Supervisors to meet and assess tax.

SECTION 23. Each overseer of highways shall within sixteen days after his election or appointment, deliver to the town clerk a list, subscribed by him, of the names of all the inhabitants of his road district who are liable to pay taxes on the highways; and the town clerk shall deliver all such lists received by him to the supervisors. If the overseer shall neglect or refuse to deliver such list to the town clerk as aforesaid, the supervisors shall have power to issue a warrant under their hands, directed to any constable in the town, requiring him forthwith to bring such overseer before them, to show cause why said list has not been filed with the town clerk according to law; the constable's fees for such service shall be paid by said delinquent overseer.

Overseer to deliver list of names to town clerk.

SECTION 24. The supervisors in each town shall make out separate lists of the names of all persons liable to pay highway taxes in each road district in such town, which lists shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within each such district, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part.

Supervisors shall make out separate lists.

How proceed to make out assessments.

SECTION 25. In making an assessment of highway taxes, the supervisors shall proceed as follows: First. Every male inhabitant in each road district, being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots and lunatics, shall be assessed to pay a poll tax of one dollar and fifty cents. Said tax may be paid to the overseer in cash, or be commuted for in labor. Second. The residue of the highway tax, to an amount of not less than one nor more than seven mills on the dollar, shall be assessed on the valuation of the real and personal property in each district: *provided*, that the supervisors of the several towns in the counties of Dodge, Washington, Ozaukee, Sheboygan, Ashland, Bayfield, Burnett, Dallas, Douglas, Monroe, Polk, Marathon, Waupaca, Outagamie, Manitowoc and Calumet, shall assess any amount of highway tax, additional to the amount authorized to be assessed, ordered to be assessed at the annual town meeting, not exceeding fifteen mills nor less than three on the dollar of the valuation aforesaid. Third. The supervisors shall set opposite to each person and corporation, and to each description of taxable property, the amount of tax charged to each respectively.

What counties excepted.

Town clerk shall make duplicate lists.

SECTION 26. The town clerk shall, under the direction of the supervisors, make duplicates of the several lists which shall be subscribed by them, one of which lists for each road district shall be filed by such clerk in his office, and the other shall be delivered to the overseer of highways of the district in which the highway labor therein specified is assessed.

Form of warrant.

SECTION 27. The supervisors shall annex to each such tax list a warrant, signed by them, which shall be in substance in the following form:

"To A. B., overseer of road district number ———, in town of ———. You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property, within the time limited by law, and to apply the taxes by you collected and make due returns, as the law requires.

Dated ——— day of ——— 18 .

C. D.,
E. F., } *Supervisors.*"
G. H.

SECTION 28. The names of persons left out of any such lists and who ought to have been included therein, and of new inhabitants who have not in the same year been assessed in some other place for highway taxes, shall be from time to time, added to the several lists, and assessed by the overseers on their polls and in proportion to their taxable property, as others are assessed on such lists by the supervisors, to pay taxes on the highway, subject to an appeal to the supervisors.

Names left out of list to be added.

SECTION 29. It shall be the duty of the supervisors of each town, to credit such persons as live on private roads and improve the same, so much upon their assessment on account of such improvements as such supervisors may deem necessary to keep such private roads in repair; or they may annex any such private road to some highway district.

Persons living on private roads to be credited for work.

SECTION 30. Whenever the occupant of any land not owned by him shall be assessed therefor by the supervisors, they shall distinguish in their assessment list the amount charged upon such land from the personal tax, if any, of such occupant; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed during the same year to pay a highway tax on account of such land.

How occupants of lands not owned to be assessed.

SECTION 31. Whenever a tenant of any land for a less term than twenty years shall be assessed to pay a tax on the highways on account of such lands, pursuant to the last section, and shall actually pay such tax, he shall be entitled to a deduction from the rent due or to become due from him for such lands, equal to the full amount of such tax, or he may recover the same of his landlord in an action for money paid out for his benefit, unless otherwise provided by agreement between such tenant and his landlord.

When tenant entitled to deduction.

SECTION 32. Every overseer of highways shall cause at least two-thirds of the amount of highway tax assessed in his district to be collected and expended, as the law requires, before the first day of July, and the residue by such time or times as the supervisors of the respective towns may designate each year, except in case of McAdam roads. Then in that case the time for expending the tax above provided shall be extended to the last Monday in March of each year.

Two-thirds of tax to be expended before first of July.

SECTION 33. It shall be the duty of every overseer of highways to give at least three days' notice to

Three days' notice to be given.

all persons residing in his district assessed to pay highway taxes therein, either personal or in writing left at their usual places of abode, of the time when and the place where they may appear and pay their highway taxes in labor, and with what implements.

May work in person or by substitute.

SECTION 34. All persons assessed to pay highway taxes in such district may appear at such times and places therein, and with such teams and implements as the overseer, in the notice mentioned in the preceding section may direct, and work in person or by an able-bodied substitute.

May require persons to furnish implements.

SECTION 35. Every overseer of highways may require of all persons offering to pay their highway taxes in labor, to furnish a spade, shovel, axe or hoe; and any person offering to pay such tax in labor, and who is the owner of a team, plow, wagon or cart or other implement useful for working the highways, may be required by such overseer to furnish such team, plow, wagon or cart or other implement, if the assessment of such person on such highways be not less than three dollars.

Amount to be allowed for labor, teams and implements.

SECTION 36. Every person intending to pay any highway tax assessed against him or any part thereof in labor, and who shall upon the notice required to be given by the overseer, appear and work agreeably to the directions of such overseer, shall be credited on his tax one dollar and fifty cents for every day he shall actually work eight hours on such highway, and fifty cents a day for every wagon or plow, and one dollar a day for each yoke of oxen, and one dollar and fifty cents for each span of horses he shall furnish agreeably to the requirements of said overseer.

Penalty for neglect to appear.

SECTION 37. If any person assessed to pay a highway tax shall neglect to appear and work on the highway at the time and place specified in the notice required to be given by the overseer, unless satisfactory cause shall appear to such overseer for such neglect, such person shall not thereafter be entitled to pay his highway tax assessed for that year or any part thereof in labor.

How tax to be collected in money.

SECTION 38. It shall be the duty of the overseer of highways, whenever any person shall become liable to pay the highway tax assessed against him in money, as prescribed in the preceding section, to collect such tax; and for that purpose such overseer shall call at

least once on the person taxed, or at the place of his residence, if in such district or the town in which such overseer has been chosen, and demand payment of the taxes charged to such person.

How tax to be enforced.

SECTION 39. In case such person shall refuse or neglect to pay the tax charged against him, such overseer shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same.

Notice of sale.

SECTION 40. Such overseer shall give public notice of the time and place of sale and of the property to be sold, at least six days previous to the time of sale, by advertisement to be posted up in at least three public places in the district or town where such sale shall be made; the sale to be by public auction.

Surplus to be paid over to owner.

SECTION 41. If the property levied upon shall be sold for more than the amount of tax and costs, the surplus shall be returned to the person from whom the property was taken.

Fees of overseers for collections.

SECTION 42. Every overseer shall be entitled to retain five per cent. for his fees, out of all moneys collected by him on his warrant, and in case of a levy and sale by him of goods and chattels for the payment of any tax, he shall be entitled to collect and receive for the same, such fees as constables are authorized to receive for levying upon and selling goods under execution.

May place list in hands of constable for collection.

SECTION 43. It shall be lawful for any overseer of highways, for the purpose of collecting any unpaid highway taxes on his tax list against any person or persons who shall have become liable to pay the same in money, to place such tax list in the hands of any constable of the same town in which such overseer shall have been elected; and such constable shall possess the same powers in the collection of such tax, and be entitled to receive the like compensation as overseers of highways in like cases.

List to be endorsed by overseer.

SECTION 44. Whenever any overseer of highways shall place his tax list in the hands of a constable for collection as provided in the preceding section, he shall designate the person named therein from whom taxes are due in money, and he shall indorse over his signature, on such tax list, as follows: "I hereby authorize A. B. (naming the constable) to collect the unpaid taxes due in money on the within tax list.

Dated ———, 18 . C. D., Overseer."

How constable to proceed.

SECTION 45. Every constable who shall receive any such tax list to be collected, shall, to the best of his ability, collect the sums due in money on such tax list from the persons who ought to pay the same; and shall within thirty days from the date of such endorsement on said tax list, return to the said overseer his doings thereon, and pay over all moneys so collected to such overseer; and any overseer, if he shall deem it necessary, may once re-issue such warrant and tax list in the manner specified in the preceding section, and when so re-issued, the constable shall proceed thereon as hereinabove provided.

Moneys to be faithfully applied.

SECTION 46. Moneys collected or received by any overseer of highways on account of highway taxes in his district, shall be faithfully applied and expended by such overseer in the procuring of labor and in the puchase of implements and materials, as in the opinion of the said overseer, will most benefit the highways and bridges in his district.

When annual statement to be made out and delivered.

SECTION 47. Every overseer of highways shall, on or before the first Monday in November in each year, make out and deliver to the town clerk of his town a statement in writing, containing a description of all the real estate taxed in his tax list upon which the taxes remain unpaid, together with the amount of tax assessed to each such description of land, and the names of the owners thereof, if known; and he shall make and subscribe an affidavit thereon, before some justice of the peace or other person authorized to administer oaths, that the taxes mentioned in said statement remain unpaid. If the said overseer shall neglect or refuse to make out and deliver to the town clerk such statement as aforesaid, the supervisors or a majority of them, shall upon the application of the town clerk, issue a warrant under their hands to any constable of the town, commanding him to forthwith bring such overseer before them, to show cause why such statement has not been made as the law requires. The constable's fees for such service shall be paid by such delinquent overseer.

Proceedings for neglect to make out statement.

Town clerk shall enter unpaid taxes in duplicate assessment roll.

SECTION 48. The town clerk shall, in making out the duplicate assessment roll of the town next thereafter, enter such unpaid taxes therein opposite to the description of the land upon which the taxes so remain unpaid; and such taxes shall be collected in the same

manner as town taxes are collected, and when so collected shall be paid over as hereinafter provided, for the use of the district in which they were originally assessed.

Town treasurer shall notify overseers of returned taxes or balance.

SECTION 49. It shall be the duty of each town treasurer, between the fifteenth and thirtieth days of April in each year, to notify the overseer of highways of every road district in his town which may be entitled ed to any moneys in the town treasury, accruing from returned highway taxes in such district, or from any balance received from a former overseer; and the said treasurer shall pay to the order of the overseer of each road district, all moneys in his hands belonging to such district for the construction and improvement of roads and bridges therein.

Overseers to render account to supervisors.

SECTION 50. Every overseer of highways shall, on or before the third Monday in March in each year, render to the supervisors of the town an account in writing, verified by his affidavit subscribed thereon before some person authorized to administer oaths, containing: First. The names of all persons assessed to pay a highway tax in his district. Second. The amount of tax collected from each such person, and from other sources, distinguishing the taxes which have been paid in labor from those which have been paid in money. Third. The amount of money received from the town treasurer, on account of returned taxes on real estate, or paid into the town treasury by a former overseer in such district. Fourth. The manner in which all taxes collected and received by him have been disbursed, and the particular items of such disbursements. Fifth. A statement of the highway taxes assessed upon real estate in his district, which remain unpaid.

Shall pay over moneys.

SECTION 51. If upon rendering such account, any moneys shall remain unexpended in the hands of such overseer, he shall immediately pay over the same to the town treasurer.

Proceedings for neglect to pay over.

SECTION 52. If any overseer shall neglect or refuse to pay over any money remaining unexpended in his hands, as required in the preceding section, it shall be the duty of the town treasurer forthwith to sue for the same in name of office, in an action for money had and received to the use of such treasurer; which

money, when collected, shall be applied as provided in the forty-ninth section.

Petition to lay out, alter or discontinue.

SECTION 53. When any six or more freeholders residing in any town, shall wish to have a highway laid out, altered or discontinued in such town, they may make application in writing to the supervisors of the town in which they reside, for that purpose, and the said supervisors shall proceed to lay out, alter or discontinue such highway, if, in their opinion, the public good will thereby be promoted.

Roads not to be laid through orchards or gardens without consent of owner.

SECTION 54. No public or private road shall be laid out through any orchards or gardens without the consent of the owner thereof, if such orchards have been set out two years or more, or if such gardens have been cultivated as such two years or more, nor shall any such road be laid out through any buildings or any fixtures or erections used for educational or charitable purposes, or for the purposes of trade or manufactures, or any yards or enclosures necessary to the use and enjoyment of any such buildings, fixtures or erections without consent of the owner.

Damages to be awarded.

SECTION 55. Whenever any highway shall be laid out through any lands other than those owned by this state or the United States, without the consent of the owner or owners thereof, the damages sustained by such owner or owners by reason of the laying out or opening of said highway, shall be ascertained, appraised and awarded as hereinafter provided.

How notice to be given.

SECTION 56. Upon application made to the supervisors for the laying out, altering or discontinuing of any highway, they shall make out a notice and fix therein a time and place at which they will meet and decide upon such application, and the application [applicant] shall, at least five days' previous to such time, cause such notice to be given to all the occupants of the lands through which such highway may pass, which notice shall be served personally or by copy left with or at the usual place of abode of each occupant of such lands; and such notice shall also be posted up in three public places in said town, at least ten days before the time of such meeting of the supervisors. Every such notice shall specify, as near as practicable, the highway proposed to be laid out, altered or discontinued, and the several tracts of land through which the same may pass.

SECTION 57. The supervisors upon being satisfied that the notices required in the preceding section have been duly given, proof of which may be shown by affidavit or otherwise as they may require, shall proceed to examine personally such highway, and shall hear any reasons that may be offered for or against laying out, altering or discontinuing the same, and shall decide upon the application as they deem proper.

Supervisors shall examine highway personally.

SECTION 58. Whenever the supervisors shall lay out, alter or discontinue any highway, they shall cause an accurate survey thereof to be made when necessary, and they shall make out a description of the highway so laid out, altered or discontinued, and incorporate the same in an order to be signed by them; and shall cause such order to be filed and recorded in the office of the town clerk, who shall note the time of recording the same in the record. Such order together with the award of damages hereinafter mentioned, shall be made out and filed in the office of the town clerk, within ten days after the day fixed for deciding upon the application for laying out, altering or discontinuing such highway, and in case said supervisors shall fail to file such order and award within the ten days aforesaid, they shall be deemed to have decided against the application.

Shall cause survey to be made.

Order and aw'rd to be filed and recorded.

SECTION 59. The order laying out, altering or discontinuing any highway or a copy of the record thereof, duly certified by the town clerk, shall be received in all courts and places as competent evidence of the facts therein contained, and shall be *prima facie* evidence of regularity of all the proceedings prior to the making of such order.

Shall be received as evidence.

SECTION 60. The damages sustained by any person or persons, through whose land any highway shall be laid out or altered, may be ascertained by agreement between the supervisors and such owner or owners; every such agreement shall be reduced to writing and signed by such owner and the supervisors, and filed in the town clerk's office, and every such agreement and every release of damages given, shall forever preclude such owner and all persons claiming under him from all further claim for damages. If there be any owner or owners of lands through which any highways shall be laid out or altered, who shall not agree with the supervisors as to the compensation they shall receive

How damages to be ascertained.

for the damages sustaind by them, by reason of the laying out or altering of such highway as provided in this section, and who shall not, previous to the making of the order laying out or altering such highway, deliver to said supervisors a written release of all claims for damages sustained by them by reason thereof, said supervisors shall at the time of such order, assess the damages which such owner or owners will sustain by reason of the laying out or altering of such highway through their lands, make an award in writing, specifying therein the sum awarded by them to each of said owners, for their respective damages; and if the owner of any parcel of land through which such highway shall be laid out or altered is unknown, the supervisors shall, in their award of damages, specify the amount of damages awarded by them to the unknown owner or owners of such parcel of land, giving a brief description of such parcel of land in their award; said award shall be signed by said supervisors, and be filed in the office of the town clerk, with the order laying out or altering such highway.

If owner not satisfied with award, how to proceed.

SECTION 61. If any owner of lands through which a highway shall be laid out or altered by the supervisors, shall not be satisfied with the sum awarded for damages by such supervisors, he may within thirty days after the filing of the award of damages in the office of the town clerk, as provided in the preceding section, apply to a justice of the peace of the same or of an adjoining town, for a jury to assess and appraise such damages. Such application shall be in writing, describing the premises, and any number of persons claiming damages on account of such highway may join in such application. The party appearing shall serve on two of the supervisors of the town in which such highway shall be laid out or altered, at least six days before the time fixed for making such application, a notice in writing, specifying therein the name of the justice to whom, and the time and place when and where such application will be made.

Person applying shall execute bond.

SECTION 62. Any person applying for a jury, as mentioned in the preceding section, shall by himself or agent, execute to the supervisors of the town and file with the justice, a bond with one or more sureties to be approved by such justice, conditioned to pay all costs arising from such appeal and appraisement of damages:

provided, such jury shall not award a larger amount of damages than were awarded by the supervisors of the town.

How jury to be drawn and summoned.

SECTION 63. Upon the filing of such bond, the justice shall make a list of fifteen disinterested freeholders of his town not of kin to the owner or occupant of said lands; each party may object to five on such list, and if none of the supervisors shall be present, the justice shall strike off the five names for the supervisors; and the justice shall thereupon issue a precept to some constable of his town, neither interested nor of kin to any person through whose lands such road is laid, directing him to summon the five persons named in such list, not objected to by the parties, to meet at a time and place to be specified in such precept, to appraise the damages sustained by the laying out or altering of such highway.

Proceedings by the jury.

SECTION 64. At the time and place appointed for the appearing of such jury, they shall be sworn by the justice, justly and impartially to make such appraisal, and shall proceed to view such highway and hear the statements and proofs of the parties if they deem necessary, and such jury may increase or diminish the amount awarded by the supervisors; and they shall make return of their appraisal to the justice, which shall be certified by such justice and filed with the town clerk; and if the amount of the appraisal of such jury shall exceed the amount awarded by the supervisors, the costs and expenses shall be paid by the town; but if the jury shall not award more damages than were awarded by the supervisors, the costs and expenses shall be paid by the applicant. And if the jury shall fail to agree, and shall be discharged by the justice in consequence thereof, the justice shall immediately proceed to make another list of fifteen freeholders of his town, and not of kin to the owner or occupant of said lands, and the same proceedings shall be had in striking off or objecting to the persons on such list, as is provided by section 63 of this chapter, and the same precept directed to a constable of the town, shall be issued to [by] such justice and shall be made returnable in the same manner as therein provided; and at the time and place appointed for the appearing of such jury, the same proceedings shall be had as are now required by

If jury fail to agree, justice shall make another list.

section 4 of this chapter, and the acts amendatory thereof.

Fees of jurors.

SECTION 65. Each person duly summoned, who shall attend as a juror, shall be allowed six cents a mile for each mile necessarily traveled from his place of abode to the place of meeting, and fifty cents for his services on such jury; and the justice shall be entitled to one dollar for his fees.

All damages and charges to be audited by town board.

SECTION 66. All damages consequent upon laying out or altering any highway, as finally settled upon, pursuant to the provisions of this chapter, and all lawful charges against a town for the services of any jury in the assessment of damages, or for fees of any justice or constable provided for in this chapter, or for the services of any commissioners appointed in the manner herein provided, shall be laid before the town board to be audited, and the amount allowed shall on the order of the supervisors, be paid by the town treasurer out of any money in the town treasury not otherwise appropriated. Whenever the damages consequent upon the laying out or altering of the highway as finally settled upon pursuant to the provisions of this chapter, and all lawful charges against the town for the services of a jury in the assessment of damages, or for the fees of any justice or constable provided for in this chapter, or for the services of any commissioners appointed in the manner provided for in this chapter, shall be laid before the town board to be audited, and if the said town board shall neglect or refuse to audit the same, any person aggrieved by such neglect or refusal may commence and prosecute an action in the proper county before any court having jurisdiction of the said town, and the sum claimed against said town, for all sums to which such person shall be entitled for or on account of such damages or fees.

When highway laid upon town line, supervisors of each town to act.

SECTION 67. Whenever it shall be deemed necessary to lay out a highway upon the line between two towns, such highway shall be laid by the supervisors of each of said towns, either upon said line, or as near thereto as the situation of the ground will admit; and they may vary the same, either to one side or the other of such line, as they may deem necessary.

Shall determine what part of highway shall be made by each town.

SECTION 68. The supervisors of each adjoining town, upon laying out a highway upon the line between such towns, shall determine what part of such highway

shall be made and kept in repair by each town, and what share of the damages, if any, shall be paid by each.

SECTION 69. The supervisors of each adjoining town shall proceed in all things as is required of the supervisors of one town in laying out highways in such town; and their proceedings or a duplicate thereof, shall be returned to the town clerk of each town; and their order, including the survey, shall be recorded in the town clerk's office; and each town shall have all the rights and be subject to all the liabilities in relation to the part of such highway to be made or repaired by such town, as if the same were wholly located in such town.

Shall proceed same as for one town.

SECTION 70. Whenever application shall be made by any freeholder whose land is excluded from the highway, to the supervisors of the town to lay out a private road, the supervisors may lay out such road; and the damages thereof to any owner of the lands through which such road may be laid, shall in like manner, be ascertained and determined; and in case of appeal, the like proceedings shall be had thereon as is provided in this chapter for the laying out and altering of public highways, except that the applicant for such private road shall in all cases, pay the damages and costs arising from the laying out of such road, and maintain at his or her own expense, suitable bars or gates through the inclosure over which said road may be laid.

Supervisors may lay out private road on application of owner of land.

SECTION 71. Every such private road, when so laid out, shall be for the use of such applicant, his heirs and assigns, but not to be converted to any other purposes than that of a road; nor shall the occupant or owner of the land through which such road shall be laid, be permitted to use the same as a road, unless he shall have signified his intention of so making use of the same to the supervisors, or the jury who ascertained the damages sustained by laying out such road, and before such damages were so ascertained.

Shall be for use of applicant.

SECTION 72. Whenever any person or persons shall apply for and obtain according to law, a private road or cartway from his or her dwelling to any public road and through the lands of others, the person or persons for whose benefit and at whose request such private road or cartway was granted, shall immedi-

Shall make fences and keep them in repair.

ately upon the opening thereof, make and keep in good repair all fences required by the opening of such road.

All papers to be filed with the clerk.

SECTION 73. All applications, certificates and other papers, relating to the laying out, altering or discontinuing any public or private road, shall be filed in the office of the town clerk, as soon as the supervisors have decided thereon.

Width of roads.

SECTION 74. Public roads to be laid out by the supervisors of the town shall be four rods wide, nor shall any private road be laid more than three rods wide. The supervisors of the several towns in this state shall have power to lay out public roads of the width of three rods, when in their opinion, a road of greater width is not needed. Whenever a village plat shall have been laid out and recorded, the supervisors may, for the purpose of connecting two or more streets in such village, adopt as a highway or part of a highway, such street or streets in such village as the public good may require.

Supervisors not to act as commissioners.

SECTION 75. No supervisor shall act as a commissioner of highways in laying out, altering or discontinuing any public or private road in which he may be personally interested.

May administer oaths.

SECTION 76. The supervisors of the several towns are by virtue of their offices authorized to administer any oaths required by the provisions of this chapter.

Persons may appeal from determination of supervisors.

SECTION 77. Any person who shall consider himself aggrieved by any determination of the supervisors of any town, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any highway, may within thirty days after such determination, appeal therefrom and apply to a justice of the peace of the same or any adjoining town, for the appointment of commissioners to whom an appeal from such determination of the supervisors may be taken.

Application to be made in writing.

SECTION 78. Every application for an appeal from the determination of the supervisors shall be made in writing to such justice of the peace, and shall briefly state the grounds upon which it is made, and whether it is brought to reverse entirely the determination of the supervisors, or only to reverse a part thereof, and in the latter case, it shall state what part.

Proceedings under appeal.

SECTION 79. Upon the filing of such application and a bond executed to the supervisors of the town

with sufficient sureties, to be approved by the justice, conditioned to pay all costs arising from such appeal, provided the determination of the supervisors in laying out, altering or discontinuing, or refusing to lay out, alter or discontinue such highway, (as the case may be), shall not be reversed, such justice shall issue a notice, specifying therein a time and place for the appointment of commissioners; which notice shall be served on one or more of the supervisors at least six days before such time; and at the time and place so appointed, the justice shall make a list of eighteen disinterested freeholders of the county. Each party may object to six on such list, and in case none of the supervisors shall be present, the justice shall strike off the names for the supervisors, and out of the number not struck off, the justice shall by lot select three for such commissioners: *provided*, that if at any time before the making of said list of freeholders, the said supervisors shall file with the said justice an affidavit, made by one or more of the said supervisors, stating that he or they have reason to believe and do believe, that the justice to whom the application was made, from prejudice or any cause, will not act impartially in the appointment of commissioners, and shall pay to the justice twenty-five cents for a statement in writing, of the proceedings had before him, and for transmitting the papers in the case, then such justice of the peace shall transmit all of the papers in the case to the nearest justice of the peace in the county; and the justice to whom such papers are transmitted shall proceed to appoint the commissioners in the manner as it would have been lawful for the justice to whom such application was made to have done. But this provision shall not extend to a second removal.

Justice shall issue warrant.

SECTION 80. The justice shall then annex to the application a warrant, under his hand, appointing a time and place for the meeting of such commissioners, and issue the same to the persons so appointed, directing them to view and examine the highway described in the application, and the determination of the supervisors in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue the same (as the case may be), and to make return of their decision thereon to him, within twenty days after the date of the warrant; and before proceeding to make such view

and examination they shall be duly sworn, justly and impartially to discharge their duties as such commissioners.

Decision of commissioners to be reduced to writing—how expense of proceeding to be paid.

SECTION 81. The decision of such commissioners shall be reduced to writing and signed by them and filed with the town clerk; and if the determination of the supervisors shall be affirmed by the commissioners, the party appealing shall pay the expense of the proceedings had in the matter; but if such determination shall be reversed, then the expense shall be a charge against the town; each of such commissioners shall be entitled to one dollar a day for their services, and the justice shall be entitled to one dollar for his fees.

If decision refusing to lay out or discontinue be reversed, supervisors shall proceed accordingly.

SECTION 82. When an appeal shall have been made from the determination of the supervisors for refusing to lay out, alter or discontinue a highway, and such determination shall be reversed by the commissioners, the supervisors shall proceed to lay out, alter or discontinue such highway in the same manner, and the proceedings thereon shall be the same as if they had originally determined to lay out, alter or discontinue such highway.

Determination to be final for one year.

SECTION 83. The determination of the supervisors of any town in refusing to lay out, alter or discontinue any highway shall be final, (unless such determination be appealed from as provided in this chapter), for the term of one year after the making of such determination; and no application for laying out, altering or discontinuing any such highway shall be again acted upon by said supervisors within said term of one year; and in case the determination of the supervisors of any town in laying out, altering or discontinuing any highway, shall be appealed from, as provided in this chapter, and such determination shall be reversed on such appeal, the said supervisors shall not within one year after the making of the determination reversed on such appeal, act again upon an application to lay out, alter or discontinue any such highway.

Supervisors shall give owners notice to remove fences.

SECTION 84. Whenever the supervisors shall have laid out or altered any public highway through any enclosed, cultivated or improved lands, and their determination shall not have been appealed from, they shall give the owner or occupant of such lands notice in writing to remove his fences within such time as

they shall deem reasonable, not less than thirty days after giving such notice; but no person shall be required to remove such fence between the first day of April and the first day of November in any year; and if such owner or occupant shall not remove his fences within the time required in such notice, the supervisors shall cause such fences to be removed, and shall direct such road to be opened; but if the determination of the supervisors shall have been appealed from, then such notice shall be given after the final decision of such appeal.

If highway not opened and worked within four years, shall cease to be a highway.

SECTION 85. Every public highway already laid out, no part of which shall have been opened and worked within four years from the time of its having been so laid out, and every such highway hereafter to be laid out, no part of which shall be opened and worked within the like period, shall cease to be considered as a public highway; and all public highways now in use, heretofore laid out and established pursuant to law, and all roads not recorded which shall have been used as public highways twenty years or more, and roads not recorded which shall hereafter be used ten years or more, shall be deemed public highways.

When legalized by use.

When legalized by opening.

SECTION 86. All highways laid out by the supervisors of any town and recorded, any portion of which shall have been opened and worked for the term of three years, shall be deemed to be and are hereby declared to be legal highways, so far as they have been so opened and worked, notwithstanding the statutes may not have been in all respects pursued in laying out the same; and the provisions and terms of this section shall apply also to all state roads, and no action shall be maintained for opening, working or traveling upon said highway or removing any obstructions therefrom or to vacate said highway, or to recover possession of land occupied by said highway, unless said action shall be commenced within twelve months after this act takes effect; and in all cases the failure to commence an action to vacate said highway within twelve months aforesaid, shall in all actions in all courts, be conclusive evidence of a dedication of the same to the public use.

When highways discontinued, land to belong to owner of adjoining land.

SECTION 87. When any highway shall be discontinued, the same shall belong to the owner or owners of the adjoining lands; if it shall be located between

the lands of two or more different owners, it shall be annexed to the lots to which it originally belonged, if that can be ascertained; if not, it shall be equally divided between the owners of the lands on each side thereof.

Shall be taken into account in estimating damages for new road.

SECTION 88. If any discontinued highway shall be set to a tract of land through which a new highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owners; and in estimating the damages which may be sustained by any person owning or interested in lands, by reason of laying out or altering any highway, the benefit which such person may receive thereby shall be taken in consideration.

State roads to be laid out as other roads.

SECTION 89. All United States and territorial roads, and all state roads which shall hereafter be laid out, shall be opened and worked the same as other highways; and whenever any such state road shall be laid out through enclosed, improved and cultivated lands, without the consent of the owner, the damages claimed therefor may be determined by agreement between the commissioners authorized to lay out such road and the owner; but the damages thus allowed by the commissioners shall not in the aggregate exceed fifty dollars upon any such road in any one town; or the same proceedings may be had for the appraisal and collection of damages therefor, as if such road were laid out under the provisions of this chapter: *provided*, application for a jury to appraise such damages shall be made within thirty days after the return of the commissioners establishing such road, shall have been filed in the office of the clerk of the board of supervisors of the county where such damages are claimed.

County board may alter state road.

SECTION 90. The county board of supervisors of any county through which any state road shall pass, may alter the same within the limits of their county in the same manner they are authorized to alter county roads, but they shall not discontinue any such road, unless such road shall lie wholly within said county, and town boards of supervisors are hereby prohibited from altering, changing, vacating or discontinuing any and all state roads.

Any person may appeal from decision altering road.

SECTION 91. Whenever any road specified in the preceding section shall be altered as therein provided, any person considering himself aggrieved by such al-

teration, may appeal from the decision of such supervisors, within thirty days thereafter, to the county board of supervisors of the same county, upon filing with the town clerk of the proper town, a bond executed to the supervisors of such town, with sufficient sureties, to be approved by such clerk, conditioned to pay all costs arising from appeal: *provided*, the determination of the town supervisors in altering such road shall not be reversed; and the said board shall hear and determine such appeal; and if the determination of the town supervisors shall not be reversed, and the said board shall hear and determine such appeal, and if the determination of the town supervisors shall not be reversed, the appellants shall pay such costs; but if the same shall be reversed, then the town where such road shall be so altered shall pay the same.

State roads to come under provisions of this act.

SECTION 92. All state roads located and established within this state, shall be viewed, surveyed and established, and return made thereof, agreeably to the provisions of this chapter within two years from the passage of the act by which said road may be granted or authorized to be laid out.

Commissioners of state roads shall cause law under which they act to be published.

SECTION 93. The commissioners appointed to locate and establish any state road, shall, at least twenty days before they proceed to locate the same, cause copies of the special law by which they act to be posted up in three public places in each town through which the said road may pass or run into, which notice shall set forth the time and place the said commissioners will meet to locate said road; may cause the same to be correctly surveyed and marked, from the beginning throughout the whole distance, by setting stakes in the prairie at a reasonable distance apart, and by blazing trees in the timber.

Certified return of survey to be made.

SECTION 94. The commissioners and surveyors of each road shall make a certified return of the survey and plat of the whole length of said road, specifying in said return, the width, depth and course of all streams, the position of all swamps and marshes, and the face of the country generally, noting where timber and where prairie, and the distance said road shall have been located in each county.

Must be signed by majority of commissioners.

SECTION 95. Said return and plat shall be signed by a majority of the commissioners and the surveyor of said road, and forwared to the secretary of state,

within sixty days after the view and survey of the same, to be by him recorded and preserved; they shall also, within sixty days as aforesaid, deposit in the office of the clerk of the board of supervisors of each county through which said road shall be laid, a return and plat as aforesaid of so much of said road as shall be laid out and established in said county, to be recorded as aforesaid.

Compensation of commissioners.

SECTION 96. The commissioners shall be entitled to such compensation for their services in laying out all state roads, from the different counties through which the roads may pass, as the supervisors of said counties may deem just, to be paid out of the treasury of the county.

When supervisors shall not alter or vacate state road.

SECTION 97. The board of supervisors of any town shall not have the power to alter or vacate any state road laid out in accordance with the provisions of this chapter, when the roads shall not lie wholly in such town.

State not to be liable for any expenses for state roads.

SECTION 98. The state shall not be liable for any expenses incurred in, or damages arising from the laying out of any state road heretofore authorized by law to be laid out, and which has not been laid out, or which may hereafter be authorized, unless the law providing for the laying out of such road shall expressly provide that the state shall pay such expenses and damages.

Damages to be paid by counties.

SECTION 99. All damages occasioned by the laying out and opening of any state road, shall be paid by the several counties in which the same may be located.

Legislature not to grant state road without proper notice.

SECTION 100. No state road shall be granted by the legislature unless it shall appear that notice has been given of the intention to apply for the same by the publication of a notice to that effect, four weeks successively, in some newspaper in such county through which it is proposed to lay such road: *provided*, that if there be no newspaper published in any such county, it shall be lawful to give such notice by printing [posting] the same, at three or more of the public places near the line of said proposed road, for the term of four weeks.

Penalty for obstructing ditches.

SECTION 101. Whoever shall wilfully obstruct any highway or fill up or place any obstructon in any ditch constructed for draining the water from any highway, shall forfeit, for every such offence, a sum not exceed-

ing twenty-five dollars; and the overseer of the proper district shall cause such obstruction immediately to be removed.

Supervisors to prevent encroachments upon highways.

SECTION 102. In every case where a highway shall have been laid out and opened, and the same has been or shall be encroached upon by any fence, building or other fixture, the supervisors shall make an order under their hands, requiring the occupant of the land through or by which such highway runs and to which such fence, building or other fixture shall be appurtenant, to remove the same beyond the limits of such highway within thirty days; and they shall cause a copy of such order to be served upon such occupant; and every such order shall specify the width of the road, the extent of the encroachments and the place or places in which the same may be, with reasonable certainty.

Penalty of owner for not removing obstruction.

SECTION 103. If the fence, building or other fixture causing such obstruction shall not be removed within thirty days after the service of a copy of such order, such occupant shall forfeit the sum of fifty cents for every day after the expiration of that time during which such encroachment shall continue.

If occupant of land deny encroachment, how proceed.

SECTION 104. If the occupant upon whom a copy of such order shall be served, shall deny such encroachment, the supervisors or some of them, shall apply to some justice of the peace of the county for a precept, which shall be issued by such justice, directed to any constable of the county, commanding him to summon six disinterested freeholders thereof, to meet at a certain day and place, and not less than four days after the issuing thereof, to inquire into the premises; and the constable to whom such precept shall be directed, shall give at least three days' notice to one of the supervisors of the town and to the occupant of the land, of the time and place at which such freeholders are to meet.

Jury and witnesses to be sworn.

SECTION 105. On the day specified in the precept, the jury so summoned shall be sworn by such justice, well and truly to enquire whether any such encroachment has been made as described in the order of the supervisors and by whom; and the witnesses produced by either party shall be sworn by the justice, and the jury shall hear the proofs and allegations which may be produced and submitted to them, and in case any person summoned as a juror shall not appear, or shall

be incompetent, his place may be supplied by a talesman, as in other cases.

Jury shall certify as to encroachments.

SECTION 106. If the jury find that any such encroachments have been made by the occupant of the land, or any former occupant thereof, they shall make and subscribe a certificate in writing of the particulars of such encroachments, and by whom made, which shall be filed in the office of the town clerk; and the occupant of the land, whether such encroachment shall have been made by him, or by any former occupant shall remove the fence, building or other fixture causing such encroachment within thirty days after the filing of such certificate, under penalty of fifty cents for each day after the expiration of the time during which such encroachment shall continue.

Penalty for not removing encroachments.

Occupant to pay costs of proceedings, and how enforced.

SECTION 107. If the jury find that any encroachment has been made as aforesaid, the occupant shall pay the cost of such inquiry; and if the same shall not be paid in ten days, the justice shall issue an execution for the collection thereof, directed to any constable of the county, commanding him to levy such costs and his fees thereon, of the goods and chattels of such delinquent, and make return thereof to such justice within thirty days from its date; and the justice, constable, jurors and witnesses shall be entitled to the same compensation as for other similar services in proceedings before justices of the peace.

If the jury find no encroachment, costs of proceeding to be paid to occupant.

SECTION 108. If the jury find that no encroachment has been made, they shall so certify, and shall also ascertain and certify the damage which the then occupant shall have sustained by such proceedings, which damages, together with the costs of the proceedings, shall be paid by the supervisors and shall be a charge in their favor against the town in which they shall have been elected.

When not required to remove fence.

SECTION 109. No person shall be required to move any fence under the above provisions, except between the first day of November and the first day of April, unless the same shall have been made within three months next before the making of the order for the removal thereof.

How fallen trees to be removed from highway.

SECTION 110. If any tree shall fall or be falllen by any person, from any occupied land into any highway, any person may give notice to the occupant of the land from which such tree shall have fallen, to remove the

same within twenty-four hours; and if such tree shall not be removed within that time, but shall continue in such highway, such occupant shall forfeit the sum of fifty cents for every day thereafter until such tree shall be removed; but the amount so forfeited shall not exceed ten dollars for one tree.

Penalty for persons not occupying land for falling trees into highway.

SECTION 111. In case any person shall cut down or fall any tree on enclosed land not occupied by him, so that it shall fall into the highway, unless by the order or consent of the occupant, such person shall pay to the occupant of such land the sum of one dollar for every day the same shall remain in such highway, together with all other damages which such occupant may sustain; but the amount so to be recovered shall not exceed twenty dollars for one tree.

Penalty for obstructing streams.

SECTION 112. Every person who shall obstruct any meandered navigable stream in this state, by felling any tree or trees therein, or by placing any refuse lumber, slabs or other substance calculated to impede the free navigation thereof, either in such stream or in any tributary of said stream, so that the same shall float into such meandered stream, shall forfeit for each such offense the sum of twenty-five dollars penalty, one half to the informer and one half to the treasury of the county where such offense may be committed; and every person damaged by such offense may sue for and collect such penalty by civil action in the circuit court of the county where such offense may have been committed, and may in the same action sue for any special damages he may have sustained by reason of the offense complained of in such action. The plaintiff in such action shall be the informer, and the defendant the person alleged to have committed the offense; and if the offense be found and adjudged to have been committed as alleged in the complaint, the plaintiff shall recover costs of the defendant, otherwise the defendant shall recover costs of the plaintiff. The verdict or finding in such action shall state: 1st. Whether or not such offense has been committed as alleged in the complaint, and if so, how committed. 2d. The amount of special damage which the plaintiff has sustained thereby.

Tax for bridges.

SECTION 113. The supervisors in any town in this state are hereby authorized and empowered to levy and collect a tax on all taxable property of such town,

for the purpose of rebuilding and maintaining suitable and permanent bridges and causeways across any river, stream, creek, swamp or marsh in any such town, whenever they shall deem it necessary for the public interest and convenience to rebuild, repair or maintain any such bridge or causeway: *provided*, that no such tax shall exceed the sum of three hundred dollars for any bridge or causeway, and not more than one such tax shall be levied and collected in any one year in any of the said towns; *and provided, further*, that all the supervisors agree in levying and assessing such tax.

When and how levied.

SECTION 114. Said tax shall be levied and collected whenever any of said board of supervisors shall decide, in the same manner as other town taxes are levied and collected.

How apportioned between towns.

SECTION 115. Whenever it shall appear to the board of supervisors of any county that any one of the towns in such county would be required to raise an amount equal to more than one-half of one per centum of all the taxable property in such town, according to the last previous equalized valuation by the county board of equalization, for erecting or repairing any necessary bridge or bridges upon the principally traveled thoroughfares in said town, such board of supervisors may cause such sum to be raised and levied upon the county as will be sufficient to defray the expenses of erecting or repairing such bridge or bridges, or such part of such expense as they may deem proper, in excess of such one-half per cent., which must first be raised and expended by the town asking for such appropriation from the county treasury; and such moneys, when collected, shall be paid out upon the order of the chairman and clerk of such board, in such manner and at such times as they may determine and prescribe.

County supervisors to co-operate with town supervisors.

SECTION 116. Whenever the county board of supervisors of any county shall determine to appropriate any money for the purposes mentioned in the preceding section, they may designate such of their number as they shall deem proper, to co-operate with the board of supervisors of the town wherein such money is to be expended, in the letting, inspection and acceptance of the work; or in case where the whole of such work is proposed to be paid for by such county appropriation, such county board may direct the letting, inspection

and acceptance of such work in such manner as to them may seem proper and necessary.

SECTION 117. The supervisors of any town may put up and maintain, at the expense of their town, in conspicuous places at each end of any bridge in such town, maintained at public charge, and the length of whose span is not less than twenty-five feet, a notice, with the following words in large characters: "One dollar fine for driving or riding on this bridge faster than a walk." **Fines authorized for fast driving on bridges.**

SECTION 118. Whoever shall ride or drive faster than a walk on any bridge upon which such notice shall have been placed and shall there be, shall forfeit for every such offense the sum of one dollar.

SECTION 119. Whoever shall wilfully injure any bridge maintained at the public charge, shall, for every such offense, forfeit treble damages; and he may be indicted and punished as provided by law. **Fines for injury to bridges.**

SECTION 120. If any damage shall happen to any person, his team, carriage or other property by reason of the insufficieney or want of repairs of any bridge or sluiceway or road in any town in this state, the person sustaining such damages shall have a right to sue for and recover the same against such town, in any court having jurisdiction thereof; and if such damages shall accrue by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of two or more towns, the action shall be brought against all the towns liable for the repairs of the same; and upon recovery of judgment, the damages and costs shall be paid by such towns in the proportion in which they are liable for such repairs; and the court may, in its discretion, issue execution against each town for its proportion only. **Persons injured by defective bridges may recover damages.**

SECTION 121. If any such bridge or sluiceway or road shall have been out of repair in consequence of the neglect or default of the overseer of highways of the district in which the same may be situated, then the town against which any judgment shall have been recovered by reason of such defective bridge or sluiceway or road, may bring an action against such delinquent overseer, and recover the amount of such judgment. **Overseers to be held responsible.**

SECTION 122. All trees standing or lying on any land over which any highway shall be laid out, shall **Trees standing in highway to be for use of**

notice for three weeks, in some public newspaper printed and published in such county, of the time and place at which they will meet to decide upon such application, or by three written or printed notices, posted for the same length of time in each town: *provided*, that no newspaper shall be published in such county, or being published, shall not have general circulation.

How damages ascertained when not agreed upon.

SECTION 132. The damages sustained by any person through whose land any such highway shall be laid out, may be ascertained by agreement between said board of supervisors and [such] owner. In case of failure to agree upon such damages, the same may be ascertained and determined in the manner now provided by law for the ascertainment of damages, in chapter 19 of the revised statutes, and shall be paid by the towns, respectively, where the same are occasioned, unless otherwise adjudged by said county board of supervisors; and the said supervisors shall, if they think it is a burden upon any one town to pay all of said damages, decide what portion of said damages said town shall pay, and the balance of said damages shall be paid by towns benefited by such road, in such proportions as the county board of supervisors shall determine.

Compensation of supervisors.

SECTION 133. The said board of supervisors shall have the same *per diem* allowance as when in regular session; to be paid as well as the necessary expenses of surveying such road, out of the county treasury.

Alteration to be made by authority of the county board.

SECTION 134. No alteration, vacation or discontinuance of any such highway shall be made, unless by the board of county supervisors, and by such board only on like petitions and notices as in the case of laying out highways by said board. Highways laid out by said county board of supervisors, shall be opened and repaired in the respective towns in the same manner as other highways; but if the town board neglect or refuse to open said road as is now provided by law, the county board of supervisors shall have the same power and authority to open said highway, that the said town board now have by law.

If town supervisors cannot agree, then county supervisors may proceed.

SECTION 135. Whenever the supervisors of any adjoining towns shall be unable to agree, or fail to meet in the location and laying out of a highway extending into or through such towns, so as to make a continuous road from one town into or through the other, as may be required for the convenience of the

public, upon petition of thirty freeholders, fifteen of whom shall reside in each of such towns, setting forth such disagreement or failure to meet as the case may be, and praying the laying out of a road extending into or through such two towns, the said board of county supervisors may proceed in the same manner hereinbefore provided, to view, lay out, survey and establish such highway.

If only one town supervisor, then county supervisors to lay out road.

SECTION 136. Whenever in any town in this state there shall be less than two supervisors, the county supervisors of said county, or any number of them not less than three, shall have the same power and authority to lay out, alter or discontinue highways in such town as is now vested in town supervisors.

Application to be made to county supervisors.

SECTION 137. In the cases mentioned in the 136th section of this chapter, the application to lay out, alter or discontinue such highway shall be made to the county supervisors, or to any three of them, and said county supervisors shall act upon such application in conformity with the provisions of this chapter and the acts amendatory thereof, and an appeal from any order of said county supervisors, or from their award of damages, may be made in the manner prescribed in this chapter, and in the acts amendatory thereof: *provided, however*, that notice of such appeal shall be served on the clerk of said town.

If highway between town and city, commissioners chosen to act with supervisors.

SECTION 138. Whenever it shall be deemed necessary to lay out a highway upon the line between a town and city, such highway shall be laid by the supervisors of said town, and by three commissioners elected by the common council of said city, who shall be duly sworn before entering upon the discharge of their duties.

Common council to elect commissioners on petition.

SECTION 139. The common council shall elect commissioners to lay out highways as herein specified, on the petition of six freeholders of said city, and said commissioners shall join in laying out such highway, if in their opinion, the public good will thereby be promoted.

Commissioners to have same powers of supervisors.

SECTION 140. All the powers possessed by supervisors of adjoining towns in cases of application to lay out highways on town lines, shall be possessed by the said commissioners and supervisors, and all the provisions of chapter nineteen of the revised statutes, relative to laying out, establishing and maintaining highways

on the line between towns, shall apply to highways on the line between cities and towns; and all matters relating to such wards, required to be recorded with town clerks, shall be recorded in the office of the city clerk, whenever such city is a party to laying out such highways.

Towns may vote on question of collecting tax in money.

SECTION 141. Any town, at any annual town meeting, may vote upon the question of collecting the highway taxes in such town in money, and in case such town shall, by a majority vote, decide to collect such taxes in money, the said taxes shall be levied and collected and paid into the treasury at the same time and in the same manner as other town taxes.

May direct manner of expenditure of taxes.

SECTION 142. Such town may direct the manner of the expenditure of such taxes upon the highways and bridges in said town, under the direction of the board of supervisors, or by three highway commissioners to be elected for that purpose, whose duty it shall be to expend the avails of such taxes on the highways and bridges in such town, by the employment of labor under their direction; or said supervisors or commissioners may, if so instructed by the town, at any annual town meeting, let by special contract any or all the highways and bridges in such town to the lowest bidder or otherwise, as they may deem for the interest of the town, to be kept in repair for a term not exceeding five years.

When highways blocked with snow, overseers to call out tax payers to open them.

SECTION 143. It is hereby made the duty of overseers of highways, at any time during the winter, when any part of the public highways in their respective districts are blocked up by snow drifts so as to render the same impassable, to call out upon one day's notice, the tax payers of said districts, and immediately put such part or parts of said highways in passable order: *provided*, that whenever it shall be deemed impracticable by such overseer to render such part or parts of highways passable, and to keep the same in such condition, it shall be lawful for him to open a track through any field or inclosure in his district, for the temporary accommodation of travel, whenever the same may be done without any material damage to the owners of such inclosure, and no person using such track shall be liable therefor in any civil or criminal action.

SECTION 144. Every person who shall, upon notice being given by the overseer, appear with such tools as he shall direct, and work agreeably to the directions of such overseer shall be credited on the highway tax roll which may still be in the hands of said overseer, the amount of such labor, or any part thereof: *provided*, said person performing such labor shall have not paid the full amount of tax assessed to him on said highway tax roll. But in no case shall he receive a greater credit than he may be delinquent on said tax roll, or may be entitled to on account of such labor. The overseer shall have power to levy and assess a tax not to exceed one fourth of the amount assessed on the taxable property on the highway tax roll of the previous year, said tax to be applied to rendering the highways passable, according to the provisions of section one hundred and forty-three of this act; said tax to be collected in the same way and manner as any other highway tax.

May be credited on tax roll for work performed

What amount of tax overseer may levy.

SECTION 145. Whenever any turnpike or plank-road or any portion thereof shall have been abandoned by the owner or owners thereof neglecting to make repairs and collect tolls upon the same, for the period of sixty days, such road or any portion thereof so abandoned, shall be deemed a public highway, and the supervisors of any town in which such road or any portion thereof may be situated, shall immediately after such abandonment as aforesaid, cause the same to be put and kept in repair.

When turnpike or plankroad abandoned, shall be deemed public highway.

SECTION 146. It shall be lawful for the board of supervisors in any town in this state, in which there is a village that is not incorporated, upon the petition of ten tax-payers residing in such village, to make an order directed to the overseer of highways in such village, to appropriate and expend that portion of the highway tax named therein, in constructing such sidewalk or sidewalks as they shall designate, and to procure and set out such shade and ornamental trees in and about such village, as they shall direct: *provided, however*, that such board shall not set apart a greater sum for the purpose above named than twenty-five per cent. of the whole tax for such district in any one year.

How villages not incorporated procure sidewalks.

SECTION 147. When the plat of any village in this state shall be duly certified and recorded, according to the requirements of the law in such cases made and pro-

Supervisors may declare streets in villages public highways.

vided, the town board of supervisors shall make an order, to be recorded by the town clerk, declaring such streets in the said village plat as they may deem necessary for public use, to be public highways, without making any other survey than that made in such recorded plat; and when such order has been so recorded, the overseers of highways in such village shall make, improve and keep in repair such streets, the same as any other public roads.

Approved March 10, 1869.

CHAPTER 153.

[*Published March 23, 1869.*]

AN ACT to provide against deficiency in the revenues of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state to levy additional tax.

SECTION 1. Whenever it shall appear at the time prescribed by law for the apportionment of the annual state tax, among the several counties of this state, that the appropriations made by the legislature and by existing laws exceed the amount of state tax levied to meet the expenses of the year for which such tax was levied, it shall be the duty of the secretary of state to levy and apportion such additional amount as may be necessary, in connection with the amount previously provided for, to meet all authorized demands upon the treasury of the state, up to such time as the succeeding state tax shall be due and payable.

Shall make statement of amount.

SECTION 2. The secretary of state shall make a statement, and include the same in his annual report to the governor, showing the amount of tax levied as provided above, and the estimates upon which such additional tax was based, which statement shall be placed on record in his office and published in his annual report.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 154.

[*Published March* 16, 1869.]

AN ACT relating to irregular assessment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No assessment of real property for the purpose of taxation heretofore made, or which shall be hereafter made by the assessors of any of the towns, villages or cities of this state, shall be held or deemed to be invalid or irregular for the reason that several lots, tracts or parcels of land have been valued and assessed together as one parcel and not separately, where the several lots, tracts or parcels of land so valued and assessed together as one parcel are contiguous and owned by the same person at the time of such valuation and assessment by the assessor; and all such assessments and the subsequent proceedings based thereon, are hereby declared to be legal and valid in all respects as if the said several lots, tracts or parcels of land had been separately valued and assessed.

Assessments not made upon each parcel, not thereby to be deemed invalid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 155.

[*Published March* 17, 1869.]

AN ACT to authorize the secretary of state to audit the account for printing as many copies of the memorial to congress and proceedings of the Prairie du Chien canal convention, as the governor has distributed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state is hereby authorized to audit, and the state treasurer to pay, the ac-

Secretary of state to audit account.

count of Atwood and Rublee for printing three thousand copies of the memorial to congress and proceedings of the Prairie du Chien canal convention, heretofore distributed by the governor: *providing*, the amount does not exceed four hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 156.

[*Published March* 18, 1869.]

AN ACT in relation to certain officers in the county of Dallas, and their terms of office.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The appointment heretofore made by the governor of a board of supervisors for the county of Dallas, is hereby declared to have been legal and valid.

Term of office of supervisors fixed.

SECTION 2. The supervisors so appointed shall hold their respective offices, one of them for one year, another for two years and the other for three years from the first day of January, 1869, or until their successors shall be duly elected and qualified, the length of their respective terms to be determined by casting lots on or before the first day of September next, in the manner prescribed by chapter thirty-one of the general laws of one thousand eight hundred and sixty-eight.

One supervisor to be elected at each general election.

SECTION 3. At each general election hereafter, one supervisor shall be elected in said county to take the place of that supervisor whose term of office shall expire in the month of January next succeeding such election, to hold his office for three years and until his successor shall be duly elected and qualified.

County judge—his tenure of office.

SECTION 4. The present county judge of the said county of Dallas shall hold his office until his successor, to be elected in April next, is elected and qualified, and such successor shall be elected at the annual town

meetings in April next, and the term of such successor shall commence on the first day of January next.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1869.

CHAPTER 157.

[*Published March* 23, 1869.]

AN ACT relating to evidence in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall the duty of the secretary of state, upon demand of any person or corporation, to make a true and correct transcript of all books, files, records, certificates or other written documentary evidence of title on file or of record in his office of, concerning or appertaining to any and all such tracts or parcels of land as shall be designated or described by the person or corporation making such demand: *provided*, that the said secretary of state shall not insert in said transcript any other lands than those designated by the person or corporation demanding such transcript.

Secretary of state shall make transcript of records in his office.

SECTION 2. The said secretary of state shall make and annex to said transcript a certificate substantially in the following form:

Form of certificate to transcript.

OFFICE OF THE SECRETARY OF STATE,

——, Wisconsin ——, A. D. ——

I hereby certify that the annexed and foregoing is a true and correct transcript of all books, files, records, certificates and other written or documentary evidence of title on file or of record in this office relating or appertaining to the title to the lands described in the foregoing transcript, and of the whole thereof. In witness whereof I have hereunto set my hand and affixed the great seal of the state, this —— day of ——, A. D. ——.

——— ———,

Secretary of State.

Shall be received in evidence.

SECTION 3. Such transcript with such certificate annexed, shall be received in evidence in all courts of this state as *prima facie* of all facts therein contained; and in all cases and upon the trial of any cause, if any party shall make or show, or offer to make or show title to any lands, by or through, or offer in evidence for such purpose, the certificate of the secretary of state prescribed in section one (1) of chapter twenty-nine (29) of the general laws of 1867, it shall be competent for any other party to such cause to rebut or disprove such certificate, and the evidence of title made or proven thereby, by offering in evidence the transcript and certificate annexed mentioned in this act, containing a description of the same lands set forth in such certificate of the secretary of state, and such transcript with such certificate annexed, when so offered to rebut or disprove such certificate and the evidence of title made thereby, shall be taken and deemed better evidence of title to such lands than such certificate, anything contained in said chapter 29, general laws of 1867, to the contrary notwithstanding; and when such transcript with such certificate annexed shall have been offered in evidence as herein provided, unless it shall appear therefrom that the party offering in evidence such certificate mentioned in section one (1) of the general laws of 1867, has or had title to the said lands described in said certificate, and in said transcript and certificate annexed (herein mentioned), at the time mentioned in said certificate, then such certificate shall have no force or effect whatever as evidence of title to any such lands: *provided*, that nothing herein contained shall prevent either party from showing title to such lands by any other competent evidence.

Approved March 10, 1869.

CHAPTER 158.

[*Published March* 23, 1869.]

AN ACT to exempt the real estate of the home of the friendless from taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The real estate of the home of the friendless, owned and occupied by said company in the city of Milwaukee, not exceeding one lot in amount, is hereby exempted from taxation so long as the same shall continue to be used as such home. **Exempted.**

SECTION 2. This act shall take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 159.

[*Published March* 23, 1869.]

AN ACT in regard to supervisors of the county of Burnett.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The election of the county board of supervisors of the county of Burnett, at the general election in November last, of which board Canute Anderson is acting as chairman, is hereby legalized and declared to be of full binding force and effect, and all the acts of said board so far as the illegality of its election may affect the same are hereby declared to be valid and are hereby legalized. **Legalized.**

SECTION 2. The said board of supervisors shall hold office, one for one year, one for two years and one for three years from the first day of January, A. D. 1869, or until their successors shall be duly elected and **Term of office of supervisors.**

qualified; their respective terms to be determined by casting lots in the manner prescribed in the second section of chapter 31 of the general laws of 1868.

One supervisor to be elected at each election.

SECTION 3. At each general election hereafter, one supervisor shall be elected in said county of Burnett, to take the place of that supervisor whose term of office shall expire in the month of January next succeeding such election, to hold his office for three years and until his successor shall be elected and quaified.

SECTION 4. All acts and parts of acts conflicting with this act are hereby repealed, so far as they conflict with the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 160.

[*Published March* 23, 1869.]

AN ACT to legalize the acts of the board of supervisors of the county of Dallas of the sixth day of February, 1869.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The ordinance and action of the county board of supervisors of the county of Dallas of the sixth day of February, one thousand eight hundred and sixty-nine, changing the name of the town of Dallas, are hereby legalized and declared to be valid and of full binding force and effect.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 161.

[*Published March* 20, 1869.]

AN ACT to grant preemption rights upon odd numbered sections within certain railroad limits in the counties of Pierce, St Croix, Polk, Burnett, Barron, Douglas, Ashland and La Pointe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any resident of the state of Wisconsin, being a married man or head of a family, or single man over the age of twenty-one years, and who is a citizen of the United States or who may have declared his intentions to become such, conformably to the laws of the United States, who may have resided upon or may have had *bona fide* improvements to the value of one hundred dollars on the first day of March, 1869, upon any of the odd numbered sections heretofore granted to the state of Wisconsin by the several acts of congress to aid in the construction of railroads therein, from Madison and Columbus, via Portage City to Lake St. Croix or river between townships twenty-five and thirty-one, and thence to the west end of Lake Superior and Bayfield, prior to the completion of each consecutive line of railroad on either or any of said lines of railroad, in either or any of the counties of Pierce, St. Croix, Polk, Burnett, Barron, Ashland, Douglas and Bayfield, shall have the right to purchase any quantity of said lands not exceeding one hundred and sixty acres or fractional quarter section, according to the government survey of public lands, at the minimum price of two dollars and fifty cents per acre, whenever the railroad company or companies shall have constructed twenty miles of railroad, so as to include such lands in any or either of said counties by proving his or her occupancy of any improvements upon such land, in the manner hereinafter provided: *provided*, that said land so claimed by preemption right, shall be selected in a compact form in legal subdivisions, according to the government survey; *and provided, further*, that no person claiming the right to occupy any of said lands

Who may preempt lands.

under the provisions of this chapter, shall be allowed to take away from said lands more timber than is necessary for the use of said lands, and that every person claiming the right of preemption to any of said lands in pursuance of the provisions of this chapter shall forfeit such right of preemption if he or she shall fail to prove his or her claim, and pay for the lands so claimed within twenty days before the time of the completion of each consecutive twenty miles of either or any of said lines of railroad in any of the above mentioned counties.

How prove right of preemption.

SECTION 2. At any time within twenty days before the completion of each and every consecutive twenty miles of railroad as above specified, any person or persons wishing to avail themselves of the right of preemption secured by this chapter, shall prove up their rights to such preemption before the commissioners of school and university lands, by the affidavit of two or more disinterested witnesses, together with his or her own affidavit, setting forth that he or she had at the time of filing their declaratory statement for the premises therein described, made an actual settlement and improvement thereon, and that he or she (as the case may be) is not the owner of one hundred and sixty acres of land, and shall pay the sum of $2.50 per acre to the state treasurer of the state of Wisconsin, for the use and benefit of the railroad company constructing such railroad in or through either or any of said above named counties; and in case of non-compliance with the terms thereof, shall forfeit all right of preemption, and the said lands so claimed shall vest in and be disposed of by the railroad company constructing such railroad, according to law.

Patent to be issued to preemptor.

SECTION 3. In all cases where the person or persons claiming the benefit of this act to any of the lands above mentioned, and proves his or her right thereto under the provisions of this act, the patent shall be issued directly to him or her, and the moneys arising from all such entries made under the provisions of this chapter, shall be paid into the state treasury of the state of Wisconsin, and upon the proper certificate of the construction of said railroad, the said moneys shall be paid over to such railroad company by the state treasurer as shall be entitled to the same.

SECTION 4. Any person desiring to avail himself or herself of the benefits of this act is required to file a declaratory statement, as is now required by law of persons claiming the right of preemption to university lands, with the secretary of state of the state of Wisconsin, on or before the first day of June, one thousand eight hundred and sixty nine, who may have been residing upon any of the above described lands on the first day of March, 1869. **Shall file declaratory statement.**

SECTION 5. The provisions of this act shall only apply to the counties of Pierce, St. Croix, Polk, Burnett, Barron, Douglas, Ashland and Bayfield. **To what counties apply.**

SECTION 6. The commissioners of school and university lands shall be entitled to receive the sum of one dollar and fifty cents for every declaratory statement filed under the provisions of this chapter, and the preemptor shall pay the sum of two per cent. on all moneys paid into the treasury, in addition to the price required to be paid for the land. **Fees of commissioners.**

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 162.

[*Published March* 23, 1869.]

AN ACT to annex certain territory in the county of Dallas to the county of Burnett.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All of the following described territory situated within the county of Dallas is hereby detached from the said county of Dallas and annexed to the county of Burnett, to-wit: All of towns number thirty-seven, of ranges numbers ten, eleven, twelve, thirteen and fourteen west. **Detached and annexed.**

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 11, 1869.

CHAPTER 163.

[*Published March* 17, 1869.]

AN ACT to amend section 6, chapter 14 of the revised statutes, entitled "of resignations, vacancies and removals, and of supplying vacancies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section six of chapter fourteen of the revised statutes is hereby amended by adding thereto the following words: "and such clerk may appeal to the circuit court for the same county from any order removing him from office, in like manner as is provided by law in case of the disallowance of an account against the county, and upon such appeal the circuit court shall proceed to review the action of said board in the premises, and shall render such judgment thereon as law and justice shall require: *provided*, that this act shall not apply to removals made before the passage of this act; *and provided, further*, that in every case in which the county board shall for any cause remove the clerk, and he shall take an appeal from said order of removal, he shall be disqualified from acting as such clerk of the board during the pending of said appeal in court, and it shall be the duty of the county board to appoint a clerk whose duty it shall be to act until said cause is disposed of by the court."

SECTION 2. This action [act] shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 164.

[*Published March* 17, 1869.]

AN ACT to amend chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision three of section two of chapter 130 of the general laws of 1868, relating to the assessment of property for taxation and the levy of taxes thereon, is hereby amended so as to read as follows: "Personal property owned by any religious, scientific, literary or benevolent association, used exclusively for the purposes of such association, and the real property necessary for the location and convenience of the buildings of such associations and embracing the same, not exceeding ten acres if not leased or otherwise used for pecuniary profits, and including parsonages, whether of local churches or districts, and whether occupied by the pastor permanently or rented for his benefit. The occasional leasing of such buildings for schools, public lectures or concerts, or the leasing of the parsonage as aforesaid, shall not render them or either of them liable to taxation." **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 165.

[*Published March* 23, 1869.]

AN ACT to repeal so much of the provisions of chapter 484 of the private and local laws of 1866, entitled "an act to incorporte the state fireman's association of Wisconsin, organized September 24, 1863, as exempts individual property from taxation."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. So much of the provisions of chapter 484 of the private and local laws of 1866, entitled "an act to incorporate the state fireman's association of Wisconsin, organized September 24, 1863," as exempts the individual property of firemen from taxation, is hereby repealed, and no such exemptions shall hereafter be allowed: *provided, however*, the common council of any city and the trustees of any incorparated village in this state, in which there shall be a fire engine or engines owned by such city or incorporated village, shall annually appropriate or pay to each active fireman belonging to any fire or hook and ladder company, organized by authority of such city or incorporation, such sum as may be reasonable, as a compensation for the services of such firemen.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1869.

CHAPTER 166.

[*Published March* 17, 1869.]

AN ACT to repeal chapter 132 of the general laws of 1866, entitled "an act to vest the title of unredeemed lands in counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 132 of the general laws of 1866, is hereby amended so as to read as follows: Section 1. Real property upon which the county holds any certificate of tax sale shall continue liable to taxation and to sale for unpaid taxes, and the county shall be the exclusive purchaser at the sale, but where a tax deed shall be issued to the county and it shall hold tax certificates of sale unredeemed on the same property for two successive years subsequent to the issuing of such deed, such property shall thereafter be exempt from taxation until the same is sold by the county. The clerk of the board of supervisors shall annually before the first day of June, furnish to the assessors of each town, a list of the lands in such town exempt under this section. Section 1 amended.

SECTION 2. Section 3 of same act is hereby amended by striking out all after the word, "guardianship," in the fourth line. Section 3 amended.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 167.

[*Published March* 17, 1869.]

AN ACT to amend chapter 136 of the general laws of 1868, entitled "an act to provide for the re-assessment and collection of delinquent taxes of 1865 and 1866, on the shares of national banks in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shall retain sufficient moneys to pay taxes.

SECTION 1. It shall be the duty of every bank or banking association referred to in said chapter 136, and of the managing officers thereof, to retain out of the dividend or dividends declared upon any shares therein, or profits when dividends are not declared, so much thereof as shall be necessary to pay any taxes upon such shares assessed in pursuance of said chapter 136 or of this act, until it shall be made to appear to such officers that such taxes have been paid, and to pay such taxes to the treasurer of this state when demanded by him, and the performance of such duty may be enforced by a writ of mandamus. Any officer of any such bank who shall pay over or authorize the paying over of any such dividend or any portion thereof, contrary to the provisions of this section, shall thereby become personally liable for all such tax, to be recoverable by action in the name of the state treasurer, in any circuit court in this state.

State treasurer to sell shares to pay delinquent taxes.

SECTION 2. In any case where the tax assessed upon any share or shares in any such banking association under said chapter 136 has been or shall be returned delinquent, and shall still remain unpaid, the state treasurer is hereby authorized to proceed to make sale of such share or shares, or of so much thereof as shall be necessary to pay the tax so returned delinquent, together with interest thereon from the time it was so returned, at the rate of twelve per cent. per annum, together with the necessary costs and expanses of sale, the said treasurer first giving notice of such sale by publication in the state paper, and in some newspaper published in the county wherein such banking association is located, if there be any, once a week for

four weeks previous to such sale. Such notices shall specify the number of shares on which the taxes are unpaid as aforesaid, and the amount so unpaid, and the names of the owners so far as known to such treasurer, and such sale shall be made at public auction at the office of said treasurer in the city of Madison. The treasurer may postpone such sale from time to time, not exceeding four weeks from the day first fixed for such sale, of which postponement he shall give notice by advertisement in the state paper.

Shall give certificate to purchaser of shares.

SECTION 3. The purchaser of such share or shares at such sale shall receive from the state treasurer a certificate of purchase thereof, which shall vest in him a perfect title thereto, and be *prima facie* evidence of such title; and upon presentation of such certificate to the proper banking association, the stock so purchased shall be transferred to him upon the books of such association. Such banking association shall have power to pay such taxes on behalf of its delinquent stockholders, and shall have a lien upon the stock for the amount so paid. The state treasurer shall pay out of the proceeds of such sale of stock the tax, interest and costs of advertising and sale, and shall retain the remainder for the owner of the stock, to be paid to him on demand and presentation of proof of ownership.

Clerk of board to transmit statement to state treasurer.

SECTION 4. The clerk of the county board of each county in which any such banking association is situated shall, as soon as the tax rolls for the year 1868 have been returned to him, make out and transmit to the treasurer of state a statement showing how many shares of stock in any such banking association have been assessed for taxes in said county, under the provisions of said chapter 136, to whom as owner or owners such shares were assessed and the value at which they were assessed for the years 1865 and 1866, respectively, and also the rate per cent. and amount set down on the assessment roll against the name of each owner of such shares for each of said years separately, and also upon which of said shares the said taxes have been paid and which have been returned delinquent.

If assessor neglect to assess shares, state treasurer shall give notice.

SECTION 5. Whenever it shall appear from such statement that the assessor in any city, ward, village or town has neglected to assess the shares in any such banking association for the years 1865 and 1866, in con-

formity with the provisions of said chapter 136, the treasurer of state shall give notice thereof to the assessor of such city, ward, village or town for the year 1869, and it shall be the duty of such assessor to include such shares in his valuation of personal property, and such assessor and the clerk of such city, village or town, and the collection [collector] thereof, shall proceed in the assessment of said shares, and in setting down or assessing the taxes upon the same, and in the collection thereof according to the provisions of said chapter 136.

SECTION 6. Section 14 of said chapter 136 is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 168.

[*Published March* 23, 1869.]

AN ACT authorizing the state treasurer to invest the moneys of the Fox and Wisconsin river improvement fund in interest bearing bonds of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State treasurer may invest in bonds.

SECTION 1. The state treasurer is hereby authorized to invest, in United States government interest bearing bonds, by and with the consent of the Green Bay and Mississippi canal company, the moneys deposited with him pursuant to the provisions of chapter two hundred and eighty-nine (289) of the general laws of 1861, entitled "an act to facilitate the sale of the lands and other property of the Fox and Wisconsin improvement company, and to provide for the proper application of the proceeds of such sale, and to authorize the formation of a company by the purchasers," and the acts amendatory thereof. In such event, upon application for the moneys, according to the provisions of the acts aforesaid, the treasurer may make the payment in such bonds, after first adding to the principal the accrued interest.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 169.

[*Published March* 23, 1869.]

AN ACT to provide additional committee rooms about the capitol of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of building commissioners of the state capitol are hereby authorized and empowered to provide for the finishing, heating and lighting of ten additional committee rooms in the attic story of the south wing of the capitol, according to the plans submitted. **May provide additional rooms.**

SECTION 2. The work provided for in section one of this act shall, after due notice, be let to the lowest bidder, under such restrictions as the commissioners shall deem necessary to properly guard the interests of the state; and the whole shall be finished and completed on or before the first day of December of the present year; *provided*, no contract shall be made involving a greater expenditure than the sum appropriated in this act. **Work to be let to lowest bidder**

SECTION 3. Payments shall be made upon the monthly estimate of the architect as the work progresses, duly certified to the secretary of state by the said board of commissioners. **How payments to be made.**

SECTION 4. There is hereby appropriated out of the state treasury not otherwise appropriated, the sum of five thousand two hundred and fifty dollars. **Appropriation.**

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 170.

[*Published March* 16, 1869.]

AN ACT to amend chapter 54 of the revised statutes, entitled of auctions and auctioneers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section eight of chapter fifty-four of the revised statutes, entitled "of auctions and auctioneers," is hereby amended so as to read as follows:

Common council may regulate sale of goods.

"Section 8. The common or city council of any city and the board of trustees of any incorporated village in this state, are hereby authorized to regulate the sale of any goods, wares or merchandise or other property sold at auction within their respective cities or villages. Such regulation shall be made by ordinance passed in the same manner as other ordinances are by law authorized to be passed, and may prohibit by proper fines or penalties all persons from selling any goods, wares, merchandise or other property at auction, within any such city or village, without first having obtained a license therefor; and may also require any auctioneer so licensed to make quarterly or monthly reports, verified by his affidavit, to the clerk of any such city or village, showing the amount of all such sales made by him subsequent to the date of his license or last preceding report, and may also require any such auctioneer to pay to the treasurer of any such city or village as a license fee, in addition to those hereinafter required, any sum not exceeding two per centum upon the amount of such sales, and also may require such licensed auctioneer to execute official bonds for the faithful compliance by him with the terms of such ordinance. But it shall not be lawful to charge less than five dollars nor more than one hundred dollars for any such license for one year, in addition to the per centum upon sales hereinbefore provided for: *provided*, that nothing in this section shall prohibit or affect in any manner sales at auction in the cases specified in the first section of this chapter as herein and heretofore amended; *and provided, fur-*

Amount of license.

ther, that it shall be the duty of the common or city council of any city or trustees of any incorporated village, to license any person as an auctioneer who desires to do such business within their respective cities or villages, and who will comply with all the provisions of this section in relation to auctioneers."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 171.

[*Published March* 23, 1869.]

AN ACT to regulate appeals taken from the award of arbitrators appointed to award the amount of compensation to be paid by the Rubicon hydraulic company, to the owners of lands overflowed by the operation of said company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases of appeals taken from the awards of arbitrators appointed to award the amount of compensation to be paid by the Rubicon hydraulic company, to the owners of lands overflowed by reason of the erection, construction, raising or repairing of any dam, flume or aqueduct of said company, according to the provisions of chapter 71 of the private and local laws of 1866, entitled "an act to incorporate Rubicon hydraulic company," and of the several acts amendatory thereof; such appeals shall be docketed and tried by jury in the same manner and subject to the same rules of practice applicable to trials at law. **Appeals to be docketed and tried.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 172.

[*Published March 23, 1869.*]

AN ACT to reduce the valuation of the county of Sauk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Valuation reduced.

SECTION 1. The valuation adopted by the state board of assessors, April 17, 1868, and the apportionment of state tax for the years 1868 and 1869, is hereby amended so that the valuation and apportionment of the county of Sauk will be reduced to $4,000,000, instead of $5,799,650, the amount adopted by the state board of assessors on the 17th day of April, 1868.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 173.

[*Published March 20, 1869.*]

AN ACT to repeal chapter 40 of the general laws of 1868, entitled "an act to repeal chapter 104 of the general laws of 1867, entitled 'an act to attach the county of Burnett to the county of Polk for judicial purposes; and to repeal chapter 480 of the private and local laws of 1866, entitled 'an act to attach the county of Burnett to the county of Polk for judicial purposes, and to fix the time for holding the circuit court in said county of Burnett,'" and to re-instate and re-enact in all its parts chapter 104 of the general laws of 1867, entitled "an act to attach the county of Burnett to the county of Polk for judicial purposes, and to repeal chapter 480 of the private and local laws of 1866, entitled 'an act to attach the county of Burnett to the county of Polk for judicial purposes.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter 40 of the general laws of 1868, entitled "an act to repeal chapter 104 of the general

laws of 1867, entitled 'an act to attach the county of Burnett to the county of Polk for judicial purposes, and to repeal chapter 480 of the private and local laws of 1866, entitled 'an act to attach the county of Burnett to the county of Polk for judicial purposes, and to fix the time of holding the circuit court in said county of Burnett,'" is hereby repealed.

Re-enacted.

SECTION 2. Chapter 104 of the general laws of 1867, entitled "an act to attach the county of Burnett to the county of Polk, for judicial purposes, and to repeal chapter 480, of the private and local laws of 1866, entitled 'an act to attach the county Burnett to the county of Polk, for judicial purposes,'" is hereby reinstated and re-enacted in all its provisions and parts.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 174.

[*Published March* 16, 1869.]

AN ACT to amend chapter 49 of the general laws of 1866, entitled "an act to amend sections 1 and 4 of chapter 133 of the revised statutes, entitled 'of costs and fees.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. The second subdivision of section one of chapter forty-nine of the general laws of 1866, entitled "an act to amend sections one and four of chapter one hundred and thirty-three (133) of the revised statutes, entitled 'of costs and fees,'" is hereby amended so as to read as follows, to-wit: Second. Traveling in making service of any summons, writ or other process, except criminal capias, to be computed in all cases from the court house of the county in which service is made, ten cents per mile going and returning: *provided*, that in counties having a population of 15,000 inhabitants and upwards, for summoning grand and petit jurors, no traveling fees shall be received for more than

the distance actually and necessarily traveled in summoning such jurors.

SECTION 2. All acts or parts of acts contravening or inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 175.

[*Published March* 16, 1869.]

AN ACT to amend sections 6, 15 and 29 of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation and the levy of taxes thereon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 15 amended.

SECTION 1. Section 15 of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation and the levy of taxes thereon," is hereby amended by adding thereto: "All subdivisions of sections undescribable by fractional relative terms may be described by reference to the county records thus: ——— acres, as described on folio ——— of volume ——— of deeds. To enable the assessor to describe lands which cannot be described by such reference or by fractional relative parts of sections, he may call into his aid a competent surveyor whose fees for aid rendered under such call shall be a charge against the lands surveyed by him, and shall be included and collected with the tax of the year of such survey, and carried out against the land so surveyed by the officer whose duty it is to apportion and extend taxes: *provided*, that the town board, common council and board of trustees shall refund to the owner of any land so surveyed, the sum so collected from him for such survey had, upon proof to such board or common council that a correct description of such land was of record on folio ——— of volume ——— of deeds of the county in which such land is assessed before

Form of description upon record.

such survey, or that such land could have been described accurately by fractional relative terms: *provided, also*, that no lot or tract of land shall be resurveyed for assessment purposes under the provisions of this act, so long as said lot or tract remains unsubdivided."

SECTION 2. Section 29 of said chapter is hereby amended by striking out, "to enable said clerk to properly correct defective descriptions he may call to his aid the county surveyor, whose fees therefor shall be paid by the town." **Section 29 amended.**

SECTION 3. Section 6 of the act of which this act is amendatory is hereby amended by striking out the words, "fifteenth day of May," where they occur in said section and inserting the words, "10th day of October," in lieu thereof. **Section 6 amended.**

SECTION 4. There shall be annually elected in each town and ward of any city or incorporated village, when such ward continues [contains] an assessment district at the annual town or city election, one assessor who shall hold his office for the term of one year, excepting in cities where a different number of assessors and a different manner of electing or appointing the same, is or may be provided by the charter or the laws amendatory thereof. **But one assessor to be elected.**

SECTION 5. Whenever in said chapter 130 of the general laws of 1868, the term, "board of assessors" is used, it shall be construed to mean the "assessor" as provided in the preceding section. **Construed.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 176.

[*Published March* 16, 1869.]

AN ACT to amend chapter one hundred and fifty-three of the revised statutes, entitled "of the lien of mechanics and others."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May amend complaint.

SECTION 1. In all actions which shall hereafter be commenced, and in all actions which have been commenced and are now pending to enforce a lien under the provisions of this chapter, when it shall appear on the trial that the party defendant is not the owner of the premises against which a lien is claimed, but that the premises are owned either by the husband or wife of the defendant, the plaintiff shall be allowed to amend his complaint, and also his petition for a lien, by making the party claiming to own the premises a party defendant, and in case a continuance of said cause is necessary in consequence of said amendment, it shall be continued without costs to the plaintiff.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 177.

[*Published March* 16, 1869.]

AN ACT to amend sections 95 and 96 of chapter 155 of the general laws of 1863, entitled "an act to codify the laws of this state relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 95 amended.

SECTION 1. Section 95 of chapter 155 of the general laws of 1863 is hereby amended so as to read as fol-

lows: The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly in cash by the county treasurer; and the supervisors may decide whether said compensation shall be an annual salary or a *per diem*, to be estimated and prescribed by said supervisors as follows: In counties and districts containing more than five thousand and less than ten thousand inhabitants, if the compensation be an annual salary, it shall not be less than five hundred dollars nor more than eight hundred dollars; and in counties and districts containing more than ten thousand inhabitants, it shall not be more than fifteen hundred dollars nor less than eight hundred dollars. If the supervisors of any county shall decide that the compensation of the superintendent shall be a *per diem*, they shall fix the same at not less than three dollars nor more than five dollars; and they may limit the number of days service to be rendered by the superintendent so that the whole sum to be paid him in any one year, in a county containing more than five thousand and less than ten thousand inhabitants, shall not exceed eight hundred dollars nor be less than five hundred dollars, and in a county containing more than ten thousand inhabitants, shall not exceed fifteen hundred dollars nor be less than eight hundred dollars: *provided*, that each superintendent serving for a *per diem*, shall present to the clerk of the board of supervisors, quarterly, before receiving the compensation due him, a sworn statement showing the number of days actually and necessarily spent by him in the discharge of his duties during the preceding quarter; and no compensation shall be allowed him for any other than the days thus specified. The board of supervisors shall allow for stationery, postage and printing, such amount as the county superintendent shall certify to be actually necessary, not exceeding one hundred dollars in counties and districts containing less than five thousand inhabitants, and two hundred dollars in counties and districts containing more than five thousand.

Compensation of school superintendent.

SECTION 2. Section 96 of said chapter 155 is hereby amended so as to read as follows: Every incorporated city having a board of education, a superintendent of schools, or other board or officer with power to examine and license teachers, and supervise and manage

Section 96 amended.

Cities may be exempt.

the schools, shall be exempt from the provisions of this act relating to county superintendents of schools, except in the matter of making reports to the superintendent of the district in which such city is situated. The electors of such city shall have no voice in electing a county superintendent, nor shall the members of the county board of supervisors from said city have any voice in determining or providing for the compensation of such county superintendent, or in any other matter relating to such officer; nor shall any tax be levied on said city to pay the salary or *per diem* of such superintendent, nor shall the population of such city be enumerated or counted with the other inhabitants of the county by the board of supervisors in estimating or determining the compensation of such superintendent.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 178.

[*Published March* 23, 1869.]

AN ACT to protect insect-devouring birds near cities in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not to destroy insect-devouring birds.

SECTION 1. It shall not be lawful for any person to destroy, or kill by any device whatsoever, brown thrushes, blue birds, martin, swallow, wren, cat-bird or any other insect-eating bird of any kind: *provided*, the same shall be within two miles of any incorporated city of this state.

Penalty.

SECTION 2. And any person who shall violate in any manner the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than five dollars nor more than twenty-five dollars. Justices of the peace shall have concurrent jurisdiction of the offense mentioned in this act: *provided*, that any person

convicted in the justice's court of any offense of the provisions of this act, may appeal therefrom, as provided by law in criminal cases.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 179.

[*Published March* 16, 1869.]

AN ACT fixing the compensation of town assessors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Town assessors shall be entitled to three dollars per day and at the same rate for parts of a day, for all services actually performed by them in the discharge of the duties of their office. Compensation fixed.

SECTION 2. Section 112 of chapter 15 of the revised statutes, and all other [acts] and parts of acts conflicting with the provisions of this act, are hereby amended to correspond with the provisions of this act. Amended.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 180.

[*Published March* 23, 1869.]

AN ACT to regulate and fix the time for holding the regular terms of the circuit court in the county of Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time fixed.

SECTION 1. The regular terms of the circuit court, provided by law to be held in and for the county of Jefferson, on the second Tuesday after the first Monday of February aud September in each year, shall hereafter be held on the first Monday of February and the first Monday of September of each year.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 181.

[*Published March* 23, 1869.]

AN ACT to amend chapter 158 of the general laws of 1867, in relation to insurance companies doing business in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 6 amended.

SECTION 1. Section 6 of chapter 158 of the general laws of 1867, entitled "an act to regulate insurance companies, organized under law enacted by the legislature of the state of Wisconsin," is hereby amended so as to read as follows: Section 6. The payment of the sum provided in the fifth section of this act shall be in lieu of all taxes for any purpose authorized by the laws of this state, except taxes upon real estate,

and the receipt of the state treasurer in the possession of the officers of any insurance company, shall operate as a license to such company to transact the business of insurance until the last day of January next succeeding the payment of the sum named in such receipt.

SECTION 2. Section 7 of said chapter 158 is hereby amended so as to read as follows: Section 7. The property except real estate, of all insurance companies now organized, or which may be hereafter organized in this state, shall be exempt from taxation for all purposes. **Section 7 amended.**

SECTION 3. The 14th subdivision of section 2 of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation and the levy of taxes thereon," is hereby amended so as to read as follows: 14th. All the property except real estate of all insurance companies now organized. or which may hereafter be organized in this state. **Section 2 amended.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 182.

[*Published March* 17, 1869.]

AN ACT to establish a township system of school government.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Each town which is now or may hereafter be organized in this state, is hereby declared and constituted one school district for all the purposes of this act, and the several school districts and parts of joint districts which are now or may hereafter be established in the several organized towns, shall be styled and known as subdistricts. **Each town constituted one district.**

SECTION 2. New subdistricts may be formed and the boundaries of any subdistrict may be altered by **How subdistricts formed.**

the town board of directors at any regular meeting of said board: *provided*, that the formation and alteration of joint subdistricts shall be by the concurrent action of the boards of directors or all the towns embraced in part in such subdistricts.

Town board of directors.

SECTION 3. The clerks of the several subdistricts in any organized town, together with the clerks of the joint subdistricts, the school houses of which are situated in such town, shall constitute the town board of school directors.

Powers of the board.

SECTION 4. The said board shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "the board of school directors of the town of ———" (the name of the town to which the board belongs), and in that name shall sue and be sued, and be capable of contracting and being contracted with and of holding real and personal estate and of selling the same, as authorized by the provisions of this act.

Shall have custody of school houses, etc.

SECTION 5. The board of directors in each town are hereby invested in their corporate capacity, with the title, care and custody of all school houses, school house sites, furniture, apparatus and other property of all kinds belonging to the sub school districts therein, with full power to control the same, in such manner as will best subserve the interests of the schools in such town.

Annual meeting of board.

SECTION 6. The said board shall meet annually upon the first Monday in October in each year, at or as near as may be, the place where the last annual election was held. The second regular meeting of the board shall be held on the third Monday of March in each year. The hour of meeting shall be ten o'clock in the forenoon.

Special meetings.

SECTION 7. Special meetings may be called by the president and secretary upon the application of one-third of the members of the board. Such meetings shall be called by notifying each member of the board personally, or by leaving a written notice at his place of residence or business, stating the time, place and objects of the meeting, at least five days before the time appointed therefor.

Officers of the board.

SECTION 8. The members of the board, a majority of whom shall constitute a quorum, assembled at the first and each succeeding annual meeting, shall elect from their number a president and vice president, and

a secretary, who may or may not be one of their number: *provided*, he shall be a resident of the town to which the board belongs.

SECTION 9. The board of each town shall have power to purchase or hire houses and rooms for the use of schools and to fence and improve the same as they may deem proper, and upon such sites, to build, enlarge, alter, improve and repair school houses, outhouses or any other buildings for school purposes, as they may deem advisable; and also, whenever in the opinion of the board any school house or school house site is no longer needed for school purposes, the same may be sold and conveyed in the corporate name of the board, such conveyance to be executed by the president and secretary of the board.

May purchase, hire and repair school houses.

SECTION 10. It shall be the duty of the board at the regular meeting in March, to estimate and determine the amount of money which will be necessary for the support of schools, and for the building and repairing of school houses in the town for the year ensuing.

Shall estimate amount of money necessary.

SECTION 11. It shall be the duty of the board to establish and maintain such and so many schools in the several subdistricts under their charge as they may deem requisite and expedient: *provided*, that there shall be at least one common school in each subdistrict, and that all such schools shall be kept each year not less than five months. The board shall have in all respects the supervision and management of all the schools, with full power to adopt, enforce, modify and repeal, from time to time, all rules and regulations not inconsistent with the laws of this state necessary for their organization, gradation and control, and for the instruction given by them in the different branches of education taught therein, and to establish and enforce proper penalties for the violation of such rules.

Shall establish and maintain schools in subdistricts.

SECTION 12. All the powers conferred upon school district boards by the provisions of chapter 155 of the general laws of 1863 and the acts amendatory thereto, excepting those the exercise of which would conflict with the provisions of this chapter are hereby conferred upon the town boards of directors provided for in this act.

Powers of district boards conferred upon town boards.

SECTION 13. The president, vice president and secretary of the town board of directors shall constitute

Executive committee—their powers and duties.

an executive committee, which committee shall carry out, put in force and execute all orders of the board, and for this purpose all power and authority vested in the board by the provisions of this act shall be deemed vested in the executive committee, and any duty devolved upon the said board by the said provisions shall devolve upon the executive committee: *provided*, that all the acts of the executive committee shall be subject to review by the board at any regular meeting thereof.

Shall employ teachers.

SECTION 14. The executive committee shall employ so many qualified teachers as they may deem necessary to give instruction in all the schools under the charge of the board. Each contract shall be in writing, shall be signed by the teacher and by the president and secretary, and shall specify the wages per week, month or year, as agreed upon by the parties.

Duties of secretary.

SECTION 15. The secretary shall record all the proceedings of the board in a book kept for that purpose; he shall keep an accurate and specific account of all expenses incurred by the board, including a list of all orders drawn by him, with the date, amount, person in whose favor and object for which each order was issued; he shall properly file all papers deposited with him in accordance with law, and shall keep and preserve all books, papers and records belonging to his office, and deliver the same to his successor.

Shall keep map of district.

SECTION 16. He shall make and keep in his office an accurate map of his town, showing the boundaries of all subdistricts and joint subdistricts, and the location of all school houses and highways therein. When a new subdistrict is formed by the board of directors, or one is altered, he shall within ten days thereafter, certify to the clerk of each subdistrict affected by such formation or alteration, a copy in writing of the record of the action of the board in the matter.

Shall have supervision of schools.

SECTION 17. He shall have the immediate charge and supervision of all the schools in his town, and shall, under the direction of a board of directors, organize and grade them, and assist the several teachers thereof in classifying and arranging them. He shall visit each school in his town at least twice during each term thereof; shall examine into its condition and progress, consult with and and advise the teachers in regard to methods of instruction and government, and shall report to the board from time to time such improve-

ments as his experience shall dictate are calculated to benefit the school.

SECTION 18. He shall draw orders on the town treasurer for moneys in the hands of such treasurer which have been apportioned to the town, and for moneys collected or received by him from other sources for school purposes, for the payment of teachers' wages, the purchase of school house sites, the building, buying, hiring, repairing and furnishing of school houses, and for all other purposes authorized by this act or by the board of directors acting under it: *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the president.

Shall draw orders for teacher's wages.

SECTION 19. It shall be the duty of the secretary, at least five days before the annual town meeting or election each year, to make to the board of supervisors of the town a written statement, showing the receipts of moneys for school purposes from all sources, and the disbursements of the same during the year ending on third Monday of March, in which statement shall be given, under separate heads:

Shall make written statement of moneys received and disbursed in separate items.

1st. The amount in the treasury at the beginning of the year.

2d. Amount received from the state fund.

3d. Amount collected by town treasurer.

4th. Amount received from all other sources.

5th. The manner in which sums have been expended, specifying the amount paid under each head of expenditure.

6th. Amount remaining in the treasury.

7th. Amount of indebtedness of the township district and when and how payable.

The secretary shall accompany the above statement with the estimates of the board of the amount necessary for the support of schools during the ensuing year, specifying the sums needed under the following heads:

Shall also give estimates in separate items.

1st. Amount for teachers' wages.

2d. Amount for school house sites, and for building, hiring or purchasing school houses.

3d. Amount for fuel.

4th. Amount for incidental expenses, including repairs, maps, globes, charts and for all needful school room appurtenances.

5th. An amount not to exceed one hundred dollars, to purchase library books.

Statements and estimates to be submitted to vote of electors.

SECTION 20. It shall be the duty of the board of supervisors of each town in the state to present the statement and estimates above mentioned to the electors of the town, at the annual town meeting or election, and the items of said estimates shall be passed upon separately by a vote of the electors present: *provided*, that upon motion they may be increased or diminished; *and provided further*, that if for any reason moneys for the support of schools shall not be voted at the annual town meeting, or a sufficient amount shall not then be voted, the supervisors shall present the estimates before mentioned to the electors at the general election in the fall, for a vote thereon.

Secretary shall furnish school registers.

SECTION 21. The secretary shall furnish school registers in the form prescribed by the state superintendent of public instruction, in which every teacher in the town shall be required to enter the names, ages and studies of all the scholars attending school, and daily their attendance and absence, which registers shall be deposited with the clerk of the subdistricts at the end of each term of school.

Shall make report to county superintendent, and what report to contain.

SECTION 22. It shall be the duty of the secretary, between the fifteenth and twenty-fifth days of September in each year, to make and transmit to the superintendent of schools for the county, a report in writing, bearing date on the 15th day of September in the year of its transmission, stating,

1st. The whole number of subdistricts and parts of subdistricts separately set off within the town.

2d. The length of time a school shall have been taught in each of said subdistricts or parts of districts.

3d. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

4th. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board of supervisors and the amount raised by the town at its annual town meeting.

5th. The manner in which said moneys have been expended, and whether any and what part remains unex-

pended, with such other information as the state superintendent may from time to time require.

SECTION 23. The town clerk shall assess all sums voted at the annual town meeting, or at the fall election, for the support of schools, upon the real and personal property of the town as found in the assessment roll for the year in which said moneys are voted, and the sums so assessed shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be held by the treasurer and be by him paid out on the order of the president and secretary of the town board of directors.

Town clerk to assess moneys for school purposes.

SECTION 24. If for any reason the electors of a town shall fail to vote an amount of money sufficient to maintain a school in each subdistrict for the term of five months during the year ensuing, then the secretary shall, on or before the fourth Monday of November of the year in which the electors shall fail to vote as aforesaid, certify to the town clerk the amount estimated by the board of directors as necessary for teachers' wages, fuel, repair of school houses and incidental expenses, and the town clerk shall assess the aggregate sum thus certified, upon all the taxable property of the town in the assessment roll for that year, and the town treasurer shall collect the same with the other taxes.

If electors fail to vote sufficient money, how proceed.

SECTION 25. It shall be the duty of the town treasurer of each town to apply for and receive from the treasurer of his county, all moneys apportioned for the use of common schools in his town, and to pay out the same, together with all moneys collected or received by him for school purposes, upon the order of the president and secretary of the town board of directors.

Town treasurer to receive school moneys.

SECTION 26. The annual meeting of each subdistrict shall be held on the last Monday in September in each year. The time of such meeting shall be seven o'clock in the afternoon.

Time of annual meeting.

SECTION 27. The inhabitants qualified by law to vote at a subdistrict meeting, when assembled in annual meeting, shall have power and it shall be their duty,

Business at subdistrict meeting.

1st. To appoint a chairman for the time being.

2d. To appoint a secretary, if the district clerk shall be absent.

3d. To choose a clerk.

4th. To recommend to the town board of directors the number of months they desire to have school

maintained in their subdistrict the ensuing year, and whether they desire a male or a female teacher; the improvements and repairs which ought to be made on the school houses, out houses, grounds, etc.; what maps, charts or other aids in teaching should be furnished, and generally, any thing, matter or plan which in their judgment will advance the cause of education and benefit the school of their subdistrict.

Clerk shall record proceedings.

SECTION 28. The clerk shall record the proceedings of all district meetings in a book to be kept for that purpose; shall certify to the town board of directors any recommendation adopted by the electors of his subdistrict in accordance with the provisions of the preceding section, and shall have charge of the school house and of all property therein or belonging or attached thereto, subject to the order or direction of the board of directors.

Shall be a member of board, and attend all meetings.

SECTION 29. He shall be a member of the town board of directors, shall attend all meetings of the board, and shall carry out all lawful orders of the same, having reference to the school house of his district or the school maintained therein.

Shall give notice of annual meetings.

SECTION 30. He shall give at least six days' previous notice of every annual meeting of the electors of his subdistrict, by posting notices therefor in four or more public places in the subdistrict, one of which notices shall be affixed to the outer door of the school house, and he shall act as secretary of all such meetings when present.

When executive committee shall appoint clerk.

SECTION 31. When a new subdistrict is formed or a vacancy occurs in the office of subdistrict clerk, the executive committee of the town board of directors shall appoint a clerk, who shall hold his office until the annual meeting of the subdistrict next succeeding such appointment.

If subdistrict composed of parts of two or more towns, the board of town in which school house is situated, to control.

SECTION 32. When a subdistrict is composed of parts of two or more towns, the board of directors of the town in which the school house is situated shall have the entire control of said subdistrict, and shall maintain school therein as in other subdistricts; and the clerk of such joint subdistricts shall be a member of the board of directors of said town, whether he resides in the same or not. At the annual meeting in October, the board of directors shall calculate and determine the cost of maintaining the school in said joint subdistrict

for the year ending at the close of the term preceding the meeting of the board, and the secretary shall certify such amount to the secretary of the board of each town embraced in part in such joint subdistrict, together with the assessed valuation of said subdistrict and of each part thereof, as found in the assessment roll of the said town for that year. On the receipt of such certificate, the secretary of the board of directors of each of said towns shall draw an order on the treasurer of his town in favor of the treasurer of the town in which the school-house of said joint subdistrict is situated, for such a proportion of the whole cost of maintaining said school as aforesaid, as the assessable property of his town embraced in said joint subdistrict is to the whole valuation thereof; and said order shall be paid out of any moneys in the hands of said treasurer, collected or received by him for the support of schools in his town.

If towns have not adopted township system, how proceed.

SECTION 33. In case either of the towns embraced in part in said joint subdistrict shall not have adopted the township system of school government, the certificate before mentioned shall be made to the clerk of said subdistrict, and it shall be his duty to incorporate the proportional sum mentioned in the preceding section in the returns of district taxes made by him to the town clerk of his town, on the fourth Monday of November succeeding the receipt of said certificate, and the said sum shall be assessed and collected with the other taxes of that part of the joint subdistrict, and shall be paid over by the town treasurer collecting the same, to the treasurer of the town in which the school house of said joint subdistrict is situated.

How collect taxes.

SECTION 34. When the school house of a joint subdistrict is situated in a town which has not adopted the township system of school government, the taxes for the support of schools shall be raised, assessed and collected as provided in chapter 155 of the general laws of 1863, and the acts amendatory thereto; but if any portion of said joint subdistrict shall be embraced in a town which has adopted said township system, then the proportion of any district tax which should be assessed upon the property of such part of said subdistrict, shall be certified by the town clerk of the town in which the school house of said joint subdistrict is situated, to the secretary of the town board of directors of

the town comprising the part of the said joint subdistrict before mentioned, and said secretary shall draw an order upon the town treasurer of his town, in favor of the treasurer of the joint subdistrict for the amount of tax thus certified, and the said town treasurer shall pay the same out of any moneys held or received by him for school purposes.

Board of directors to make estimate.

SECTION 35. Prior to the erection of any school house by the town board of directors, they shall estimate and determine the valuation of all the school houses and sites in their town, and when so determined, the secretary shall place upon record a tabular statement containing the number of each subdistrict, the value of its school house and site and the valuation of its taxable property, as appears from the last assessment roll of the town; and thereafter for a period of ten years from the date of the meeting at which such determination of values was had, when a tax shall be voted to build a school house or purchase a site, such tax shall be so distributed and assessed upon the several subdistricts, that those having the least amount invested in school houses and sites in proportion to the assessed valuation of their property, as appears from the record made at the time of the determination of values aforesaid, shall pay most towards said tax in proportion to the valuation of their property at the time the tax is assessed, in order that the sums paid by the different subdistricts in the town for the purchase of sites and the erection of school houses, shall be equalized: *provided*, that if the board of directors of any town shall decide that taxes for the purchase of sites and the erection of school houses shall be assessed equally upon property, then the aforesaid provisions in reference to equalizing such taxes shall not be operative in such town.

Each city and village having graded schools, to constitute separate district

SECTION 36. Each city in this state, and every village having a graded school with not less than three departments, shall constitute a separate school district; and all those cities and villages having no system of school government provided for in their charters, shall be subject to the provisions of chapter 155 [general laws of 1863] and the acts amendatory thereto. Whenever the territory of a school district of an incorporated village shall extend beyond the limits of said village, the whole of such territory shall remain in such district

and form a part thereof until detached by authority of law, and the provisions of this act shall have no force or effect in such villages or districts.

May vote on question of township school government.

SECTION 37. The legal voters of any town in the state may, at any town meeting or spring election or at any fall election, vote upon the question of "township school government." Such voting shall be by ballot, and the ballots used shall have written or printed thereon the words, "township school government—yes;" or the words, "township school government—no." A separate box shall be provided for the reception of said ballots, and the votes cast shall be counted, canvassed and a record thereof made as in the case of other votes cast at such election; and if it shall appear that a majority of the ballots cast have written thereon the words, "township school government—yes," then the provisions of this act shall immediately become operative in such town; otherwise they shall have no force or effect therein.

Clerks of district to constitute first board of directors.

SECTION 38. The clerks of the various school districts, together with the clerks of the joint school districts, the school houses of which are situated in any town adopting the township system in the manner provided in the preceding section, shall constitute the first board of directors for such town. They shall meet and organize within two weeks after the election at which said township system shall be adopted, and they shall hold their offices till the next annual meeting of the subdistricts of their town.

Approved March 11, 1869.

CHAPTER 183.

[*Published March* 16, 1869.]

AN ACT to repeal chapter 452 of the general laws of 1864, entitled "of counties and county officers," and to amend section 51 of chapter 13 of the revised statutes, entitled "of counties and county officers"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed. SECTION 1. Chapter four hundred and fifty-two (452) of the general laws of 1864, entitled "of counties and county officers," is hereby repealed.

Amended. SECTION 2. Section fifty-one of chapter thirteen of the revised statutes is hereby amended by adding after the word, "law" in the last line of said section the following words: "No publication of notice of tax sales shall be deemed a legal notice except the same be published in a newspaper printed in the English language, and no publication of any other notice required by law to be published shall be deemed a legal notice except the same be published in some newspaper printed in the English language, but whenever in the opinion of a court, judge, officer or other person ordering the publication of any legal notice, the interest of the public and of the parties interested will be subserved thereby, such court, judge, officer or other person shall have authority to order the publication of such notice in some paper printed in other than the English language."

SECTION 3. This act shall take effect immediately and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 184.

[*Published March* 18, 1869.]

AN ACT relating to proceedings for the collection of demands against ships, boats and vessels.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every ship, boat or vessel of the burthen of twenty tons or upwards, used in navigating the waters of this state, shall be liable for and the claims or demands hereinafter mentioned shall constitute a lien on such ship, boat or vessel: **Ships liable to lien.**

1. For all debts contracted by the master, owner, agent or consignee thereof on account of supplies furnished for the use of such ship, boat or vessel, or on account of work done or services rendered on board of such ship, boat or vessel, or on account of labor done or materials furnished by mechanics, tradesmen or others in and for building, repairing, fitting out, furnishing or equipping such ship, boat or vessel. **For debts contracted by master.**

2. For all sums due for wharfage, towage or anchorage of such ship, boat or vessel within this state. **For wharfage, etc.**

3. For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or any contract touching the transportation of persons or property, entered into by the master, agent, owner or consignee of the boat or vessel on which such contract is to be performed; and **For non-performance of contract.**

4. For all damages arising from injuries done to persons or property by such ship, boat or vessel; *provided, however*, that no person employed as master or otherwise on board of any such ship, boat or vessel to collect or receive freights or passage money, shall have any lien as provided in this act, or be entitled to his action in accordance with its provisions. **For injury to property.**

SECTION 2. Any person having a demand as aforesaid, instead of proceeding for the recovery thereof against the master, agent, owner or consignee of a ship, boat or vessel, may at his option institute an action against such ship, boat or vessel by name. **May proceed against ships or boats.**

May make complaint.

SECTION 3. Any person wishing to institute an action against a ship, boat or vessel under the provisions of this chapter, shall make a complaint in writing, specifying the particulars of his demand, on whose account the same accrued, the amount due to the creditor or claimant over and above all payments and discounts, as near as may be; and such complaint shall be verified by such creditor, claimant or by some person or persons for him.

Clerk of court shall enter complaint on docket

SECTION 4. On filing such complaint with the clerk of the circuit court, he shall enter the same in his docket as a civil action, making the person named as claimant in such complaint the plaintiff, and the name of the ship, boat or vessel the defendant; said clerk shall thereupon issue a warrant under the seal of said court, directed to the sheriff of the county, commanding him to attach, seize and safely keep such ship, boat or vessel, her tackle, apparel and furniture if to be found within his bailiwick, to answer all such liens as shall be established against it in favor of the plaintiffs, or in favor of any person or persons as provided in this chapter, and to make return of such warrant and of his proceedings on such warrant forthwith to the said clerk.

Sheriff shall execute warrant.

SECTION 5. The sheriff to whom any such warrant shall be directed and delivered shall forthwith execute the same, and shall seize and keep the ship, boat or vessel and the property seized by him, to be disposed of as hereinafter directed.

But one warrant shall be issued.

SECTION 6. Whenever any such warrant shall be issued, no other warrant shall issue against the same ship, boat or vessel while proceedings are pending under such warrant, unless such ship, boat or vessel shall be discharged from custody as hereinafter provided.

Clerk shall publish notice.

SECTION 7. Upon return being made of such warrant, the clerk of the circuit court issuing the same shall thereupon forthwith cause the notice hereinafter specified to be published in a newspaper printed in the county in which the warrant shall have been issued, and if there be none printed in such county, then in such newspaper as the clerk [may] direct, once in each week for three weeks successively.

What notice shall contain.

SECTION 8. Such notice shall contain the following matters:

1. It shall state the title of the cause, the issuing of such warrant, the name of the ship, boat or vessel seized, the name of the person on whose application such warrant was issued, the date of the issue thereof, and the amount claimed by the plaintiff upon whose application the same was issued.

2. It shall require all persons who claim to have any demand against such ship, boat or vessel, her tackle, apparel or furniture under the provisions of this chapter, to file their complaints for their respective demands against such ship, boat or vessel with such clerk.

3. It shall state that such ship, boat or vessel, her tackle, apparel and furniture will be sold for the payment of the claims which shall be established against it, unless the owner, agent, consignee or master thereof, or some other person interested therein shall appear and discharge such warrant according to law.

Others having claim may file complaint.

SECTION 9. Any person having a claim or demand against such ship, boat or vessel so seized, which is a lien thereon under the provisions of this chapter, may file with the clerk of the circuit court from which such warrant issued, a complaint in writing, specifying the particulars of his claim or demands, and all other facts required to be stated in the complaint of the party applying for a warrant, and verified in the same manner as said first complaint, and on filing such complaint the said clerk shall enter the same as a civil action, making the person so filing his complaint plaintiff, and the name of the ship, boat or vessel defendant, and he shall thereupon be deemed an attaching creditor, and be entitled to the same benefits as though the warrant had issued at his instance.

Shall enter rule requiring owner to plead.

SECTION 10. At the time of filing the complaint as hereinbefore provided, the party so filing the same shall enter in the common rule book a rule of course, requiring the master, owner, agent or consignee of such ship, boat or vessel, or other person interested therein, to appear, answer or demur to such complaint within twenty days from the date thereof.

Who may appear and defend

SECTION 11. The owner, agent, consignee, master or other person interested in such ship, boat or vessel, may appear and defend in any action commenced under the provisions of this chapter.

Practice, pleadings, etc., same as in other civil actions.

SECTION 12. In actions against a ship, boat or vessel under the provisions of this chapter, the complaint

required to be filed in the first instance shall be the only complaint required on the part of the plaintiff therein. The answer of the defendant and the other pleadings, practice and proceedings of the parties, and the trial of the issues of law and fact shall be had, as near as may be, as in other civil actions.

If no person appear and defend plaintiff may take judgment.

SECTION 13. If no person properly authorized shall appear on the part of the defendant in an action pending under the provisions of this chapter, and file an answer or demurrer within the time limited by such rule or order, the plaintiff in such action may apply to the court for judgment, and upon filing proof of the publication of such notice, the said court shall enter judgment in favor of such plaintiff for the amount claimed in the complaint, with costs and disbursements, upon due proof as in other actions.

Owner may apply for order of discharge.

SECTION 14. The owner, consignee, agent or master of any ship, boat or vessel seized by virtue of any warrant issued pursuant to the provisions of this chapter, may at any time before an order of sale shall be made, as hereinafter mentioned, apply in person or by attorney, to the clerk of the circuit court who issued the warrant, for an order to discharge the same.

Shall execute and file undertaking.

SECTION 15. Upon such application, the person making the same shall deliver to the clerk an undertaking executed by himself and at least two sureties, who shall justify on notice, in like manner as upon bail on arrest, which undertaking shall be approved by such clerk, to the effect that the sureties will pay on demand, to the plantiff in the action in which the warrant was issued. And if there be more than one action pending against such ship, boat or vessel, the amount of the final judgment or judgments which may be recovered against such ship, boat or vessel in all of such actions so pending, together with the amount of any judgment or judgments that may be obtained against such ship, boat or vessel by any person or persons who shall come in and file any claim or claims against such ship, boat or vessel within the time prescribed by the provisions of this chapter, together with all costs, which undertaking shall be in a sum at least double the amount claimed in all actions then pending against such ship, boat or vessel, and shall in no case be less than two hundred and fifty dollars.

SECTION 16. If at the time of making such application there shall be any final judgment or judgments entered against such ship, boat or vessel in any action or actions commenced at the time of or subsequent to the issuing of such warrants, under the provisions of this chapter, the person so applying for the release of such ship, boat or vessel and for a discharge of the warrant, shall also pay all such final judgments, unless an appeal or writ of error has been taken from such judgment or judgments, in which case they shall be considered actions pending under the provisions of this chapter.

If any judgments already entered, how applicant for discharge to proceed.

SECTION 17. Upon such undertaking being executed and filed with said clerk, and upon the payment of the judgments specified in the preceding section, the said clerk shall thereupon grant an order discharging the vessel, and thereafter the action or actions shall proceed as if the vessel was in custody; and judgment may be rendered in all such actions against the principal and sureties in such undertaking.

When clerk shall grant order for discharge.

SECTION 18. On the production to the sheriff or other officer having in custody such ship, boat or vessel of a certified copy of the order discharging the vessel, he shall deliver her with her tackle, apparel and furniture to the person or persons obtaining such order.

Sheriff to deliver ship on production of order.

SECTION 19. Upon final judgment in favor of any plaintiff or plaintiffs in such action, the clerk shall in cases where the vessel has not been released, as hereinbefore provided, issue an order of sale directed to the sheriff, commanding him to sell such ship, boat or vessel with her tackle, apparel and furniture, and to bring the entire proceeds thereof into court. Such order of sale shall be under the seal of the court, and shall recite the parties to the judgment and the amount thereof upon which the same was issued: *provided, however*, that there shall be but one order of sale issued: *provided further*, that upon the application of the owner or owners of such ship, boat or vessel seized under the provisions of this act, the judge of the circuit court or a court commissioner may at any time after the seizure thereof and before judgment, make and enter an order of sale of such ship, boat or vessel so seized, due notice thereof being given to all parties as provided in the 20th section of this act.

Proceedings on sale of vessel.

Public notice of sale to be given.

SECTION 20. Upon the receipt of such order, the sheriff shall proceed to sell the ship, boat or vessel so seized by him, her tackle, apparel and furniture at public sale, first giving at least twenty days' public notice thereof by advertisement in some newspaper printed in the county, and if there be a daily paper printed in said county, such notice shall be printed daily, and the purchaser at such sale shall acquire title to the ship, boat or vessel so sold, free and discharged of all liens thereon created by this act and existing at the time of such sale, and if there be no newspaper printed in such county, then by posting such notice of sale in at least five of the most public places in said county twenty days before such sale.

Return of order.

SECTION 21. The sheriff shall return said order forthwith after such sale with his proceedings under the same, and the entire proceeds of such sale he shall pay into the court, to be distributed and paid as hereinafter directed.

Plaintiff may apply for payment out of proceeds, on notice.

SECTION 22. At any time after the return made by the sheriff as provided in the preceding section, the plaintiff in any action against such ship, boat or vessel who shall have obtained final judgment in such action in his favor, may apply to the circuit court, or to the judge of such court in vacation, for an order directing the payment out of said proceeds of such sum as the plaintiff may be entitled to; eight days' notice of such application shall be given to the plaintiffs or their attorney, in any other actions now pending against such vessel.

When judge shall order payment.

SECTION 23. On the hearing of such application by the judge or court, if it shall appear that final judgment has been entered in all the actions pending against such ship, boat or vessel under the provisions of this chapter, and if it shall also appear that the proceeds of the sale of such ship, boat or vessel in the hands of the sheriff are sufficient to pay all such judgments which shall have been rendered against such ship, boat or vessel as shall remain unsatisfied at the time of the hearing of such application, together with all costs, the court or judge shall order the payment to the plaintiffs in such action or their attorney, the sum due to them on their respective judgments, and all moneys remaining in court after such payment shall be paid to the owner of

such vessel or other person or persons who may show themselves entitled thereto.

When proceeds not sufficient, judgments to be paid in equal proportion.

SECTION 24. If the proceeds arising from the sale of any ship, boat or vessel shall not be sufficient, after deducting all costs and legal charges, to satisfy all the judgments rendered against it as herein provided, the court or judge shall order a fair and just distribution of such proceeds among the parties in whose favor judgments have been rendered under the provisions of this chapter, against such ship, boat or vessel, in just and equal proportion to the amount of such judgments, respectively: *provided*, that all costs and all judgments rendered against such ship, boat or vessel, under the provisions of this chapter, for seamen's wages, shall first be paid out of the proceeds of such sale.

If any actions pending, how proceed.

SECTION 25. If ON the hearing of such application for payment out of the proceeds of such ship, boat or vessel as aforesaid, it shall appear to the court or judge before whom such an application is pending that there is any action or actions pending against such ship, boat or vessel in which final judgment has not been entered at the time of such hearing, and that the proceeds of the sale in the hands of the sheriff are not sufficient to pay all judgments rendered against such ship, boat or vessel, and which remain unsatisfied, together with the sum or sums claimed in the complaints of the plaintiff or plaintiffs in those actions in which final judgment has not been rendered, the court or judge may in his discretion, refuse to make an order for the payment of the judgment or judgments then rendered, or any part thereof, until after final judgment shall be rendered in all the actions pending against such ship, boat or vessel, or the court or judge may make an order directing the payment of a proportion of the judgments then rendered: *provided*, that the payment of such proportion will leave of the proceeds of such sale a sum sufficient to pay an equal proportion of the sums claimed by the plaintiffs in those actions which are still pending and undetermined, together with such costs as will accrue thereon, should judgments be thereafter rendered in such actions for the whole amount claimed.

When order made for payment of portion of judgment, how proceed.

SECTION 26. If an order shall be made for the payment of a portion of any judgment or judgments under the provisions of section 24 of this chapter, the court shall at the time of rendering judgment in favor of any

plaintiff in an action which was undetermined at the time of making such first order, make an order directing the payment of a like portion of the judgment so rendered; and after final judgment shall be rendered in all cases pending against such ship, boat or vessel, there shall remain any part of the proceeds of the sale of such ship, boat or vessel applicable to the payment of the balance due on such judgments, the court shall make a further order, directing payment to the plaintiffs in such judgments, such balance in just proportion, according to the amounts due on such judgments respectively.

When vessel held under process of United States court, no proceedings to be had.

SECTION 27. No proceedings under this chapter to enforce the liens authorized by the provision thereof shall be had against any vessel which shall have been seized by virtue of process issuing from any court of the United States while such vessel is actually held under such seizure, nor against any vessel which shall have been sold under any decree or order of a court of admiralty jurisdiction, except for debts contracted or damages sustained after such sale; but nothing in this section contained shall be construed to impair the validity of any lien created by this chapter the payment of which shall be decreed in any court in the United States.

Where actions to be commenced.

SECTION 28. All actions against a ship, boat or vessel under the provisions of this chapter shall be commenced within one year after the cause of action shall have accrued, and the parties may be sworn and examined in their own behalf as in other actions.

Appeals may be taken.

SECTION 29. Appeals may be taken from all final judgments of the circuit courts rendered under the provisions of this chapter the same as in other civil actions, and writs of error shall lie as in other cases.

Sheriff's fees.

SECTION 30. Sheriffs and other officers shall receive the same compensation and fees for their services under this chapter, as are allowed them in proceedings on an attachment in other actions.

Plaintiff's costs

SECTION 31. In actions under the provisions of this chapter, the plaintiff shall recover costs and disbursements irrespective of the amounts recovered. If the plaintiff fail to recover in the action, the defendant shall recover costs and disbursements against such plaintiff.

SECTION 32. If judgment be rendered against the plaintiff upon whose application the warrant was issued, such judgment shall not affect the proceedings under such warrant. If there be a judgment or judgments in any other action or actions, against such ship, boat or vessel, instituted under the provisions of this chapter, or any proceedings in any action or actions so instituted under the provisions of this chapter still pending against such ship, boat or vessel, and if the proceedings in such action in which such warrant is issued be discontinued or dismissed, or such warrant for any cause be quashed, dismissed, set aside or vacated, the clerk of the circuit court in which such warrant was issued shall forthwith on demand of any other plaintiff who has filed his complaint under the provisions of this chapter, issue another warrant in such action, and like proceedings shall be had as under the first warrant issued. Any person who has filed or may file his complaint against such ship, boat or vessel as hereinbefore provided, shall be entitled to the same benefits as he would have been under such first warrant.

If judgment be against plaintiff or warrant be quashed, how proceed.

SECTION 33. No judgment shall be rendered in favor of a plaintiff in an action instituted under the provisions of this chapter, unless the claim or demand upon which such action is founded is a lien on such ship, boat or vessel proceeded against under the provisions of this chapter, and every judgment rendered in such action in favor of the plaintiff therein, shall expressly adjudge that the claim or demand of the plaintiff for which judgment is rendered is a lien on such ship, boat or vessel under the provisions of this chapter.

No judgment shall be rendered except upon lien.

SECTION 34. Any person having such a claim or cause of action as is specified in section one of this chapter, may at any time before any order for distribution or payment of proceeds be made, commence his action as provided in section nine; and if after a sale of the vessel, the same proceedings shall be had thereon as though commenced prior to such sale; and if after an order of distribution or payment there shall remain any surplus of proceeds in court to which the owner of the ship, boat or vessel would be entitled, any person or persons having such claim or rights of action as aforesaid, may institute an action as provided in section nine, and the same proceedings shall be had therein as

When may commence action.

though commenced prior to such order of distribution or payment; and the plaintiffs in such last mentioned actions shall be entitled to share in and have distributed to them such surplus proceeds in the proportions, and the same as they would have been entitled to share in the entire proceeds of sale had they commenced action or actions prior to any order of distribution or payment.

Repealed.

SECTION 35. Chapter 150 of the revised statutes of Wisconsin, entitled "of proceedings for the collection of demands against boats and vessels," and chapter 99 of of the acts of a general nature of 1858, amendatory of said chapter 150 and chapter 134 of the general laws of 1862, entitled "an act to amend chapter 151 of the general laws of 1859, entitled 'an act relating to proceedings for the collection of demands against ships, boats and vessels, and to repeal chapter 150 of the revised statutes,'" and chapter 17 of the general laws of 1863, entitled "an act to authorize parties to be sworn and examined as witnesses in their own behalf," are, and each of them is hereby repealed.

Plaintiff shall file undertaking, except for mariners' wages

SECTION 36. Before any warrant shall issue under the provisions of this chapter, except in actions for the recovery of mariners' wages, the plantiff or some one in his behalf shall make and file with the clerk from whom warrant is to issue, an undertaking with sufficient surety to be approved by such clerk, in the sum of two hundred dollars, conditioned to the effect that the plaintiff will pay all costs which may be adjudged against him in the action.

SECTION 37. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 185.

[*Published March* 16, 1869.]

AN ACT relating to the place of trial of civil actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If defendants reside in another county, demand for change of venue shall stay proceedings.

SECTION 1. In all cases in courts of record where an action shall be commenced in a county in which none of the defendants reside, and the summons shall be served in a county in which none of the defendants reside, and such defendants shall before the time for answering expires, demand that the trial be had in the county where such defendants reside, as provided in section 4 of chapter 123 of the revised statutes, upon the service on the plaintiff's attorney of a demand and a notice of a motion for a change of the place of trial, all further proceedings in the action shall be stayed until the plaintiff shall consent to such change of the place of trial, and notify the defendant of such consent, or, if the plaintiff do not consent, until the determination by the courts of such motion, and the defendant shall have twenty days after such consent or the determination of such motion, as the case may be, in which to answer the complaint.

SECTION. 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 186.

[*Published March* 16, 1869.]

A BILL [AN ACT] to submit to the people amendments to sections five and nine of article five of the constitution of the state of Wisconsin.

PREAMBLE:

Preamble and resolutions.

WHEREAS, The legislatute of 1868, by a joint resolution of the senate and assembly, proposed and adopted amendments to the constitution of this state in the following words:

"*Resolved by the senate, the assembly concurring*, That section five of article five of the constitution of the state of Wisconsin is amended to read as follows: Section 5. The governor shall receive during his continuance in office an annual compensation of five thousand dollars, which shall be in full for all traveling or other expenses incident to his duties; and,

"*Be it further resolved by the senate, the assembly concurring*, That section nine of article five of the constitution of the state of Wisconsin is amended to read as follows: Section 9. The lieutenant governor shall receive during his continuance in office an annual compensation of one thousand dollars, approved February 28, 1868;" and,

WHEREAS, The foregoing proposed amendments to the constitution of the state were duly ratified and agreed to by the legislature of 1869, and approved February 20, 1869; therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When amendments shall be submitted.

SECTION 1. The foregoing proposed amendments to the constitution of this state shall be submitted to the people at a general election to be held on Tuesday succeeding the first Monday of November, 1869; and if the people shall approve and ratify said amendments by a majority of the electors voting thereon, said amendments shall become a part of the constitution of this state.

SECTION 2. The form of the ballot to be used in voting to approve and ratify said amendments shall be, "for amendments to the constitution," and against the same, "for amendments to the constitution, no," which shall be on the general ballot used at said election and deposited in the same box, and all persons qualified to vote at any election in this state shall be deemed voters on this question. **Form of ballot.**

SECTION 3. The votes cast approving and ratifying or disapproving said amendments shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers now designated by law to canvass the returns of votes for state officers shall canvass the returns on this question, at the same time and place and under the same regulations and restrictions now provided by law for canvassing and declaring the returns of elections for state officers. **How votes canvassed and returned.**

SECTION 4. Within three days after the determination of said canvass, it shall be the duty of the canvassers to certify the result of the said canvass to the governor, who shall thereupon, without delay, make proclamation of the result. **Canvassers shall certify.**

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1869. **Secretary of state to give notice.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1869.

CHAPTER 187.

[*Published March 23, 1869.*]

AN ACT to provide for the distribution of school moneys in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Where the county board of supervisors of any county have at their annual meeting in 1868, **State superintendent shall apportion school moneys.**

estimated and determined the amount of moneys to be raised in each town and ward in their county for the support of common schools therein for such year, which tax has been levied and collected, and was not less than one-half the amount of school moneys apportioned to such town and ward by the state superintendent in his last apportionment of school moneys, the state superintendent shall apportion to each town and ward in such counties for the year 1869, the same amount of school moneys as if such county board of supervisors had complied with the provisions of chapter 40 of the general laws of 1866.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1869.

CHAPTER 188.

[*Published March* 23, 1869.]

AN ACT to authorize counties, towns and cities to aid in the construction of the West Wisconsin railway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May aid railroad.

SECTION 1. It shall be lawful for the proper officers of any county, town or incorporated city or village, to levy a tax upon all the taxable property in such county, town, incorporated city or village, to aid in the construction of any portion of the West Wisconsin railway, and for such purpose to issue the bonds of any such county, town, incorporated city or village, in such sum or sums, and upon such terms and conditions as shall be agreed upon by and between such county, town, incorporated city or village, and the West Wisconsin railway company; but no such tax shall be levied, nor bonds be issued, by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question, shall first have voted in

favor of such tax or the issuing of such bonds, in the manner hereinafter provided.

SECTION 2. Whenever either of said railway companies shall require aid from any county, town, incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president or secretary of said railway company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of money or bonds desired, and the terms and conditions and considerations upon which the same will be required to be paid and delivered to such railway company. Upon receiving such definite proposition, the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall, within ten days, publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as he may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full statement of the proposition made by such railroad company, and shall call upon the voters to deposit a ballot upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition."

Companies shall make proposition.

Clerks shall give notice of election.

Form of ballot.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition, and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such

How election shall be held.

proposition, and also of the fact that such election was regularly held and conducted according to law.

If vote is for proposition, tax to be raised.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act shall, as indicated by the official returns of any such election vote, "for the railway proposition," it shall be the duty of the proper officers in every such county, town, incorporated city and village, to cause said tax or bonds so voted to be raised or issued and to be levied and collected or issued, and to be paid over or delivered to such railway company, on the performance by said company of the terms and conditions contained in such railway proposition.

Who constitute proper officers.

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act, are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and the town clerk in each town, the mayor and city clerk of such incorporated city, and the president and clerk of each incorporated village.

How tax to be levied.

SECTION 6. The tax authorized by this act shall be levied, assessed and collected in the same manner and form as other taxes are levied, assessed and collected in such county, town, incorporated city or village, and shall, when collected, be paid over to such railway company by the treasurer of such county, town, incorporated city or village, as the case may be, on the certificate of the chairman of the board of supervisors of such county or town, or the mayor or president of such incorporated city or village, that the said railway company has performed all the terms and conditions of the proposition under which such tax was voted, levied, assessed and collected, and such treasurer shall give additional bonds to be approved in the usual manner, in double the amount of the tax so to be collected by him, conditioned that he will faithfully pay over such tax as required by this act, and the bonds hereby authorized to be issued, shall be issued by such officers, in such amounts and with such rate of interest and upon such time and delivered to

such railway company as shall have been agreed upon between such county, town, incorporated city or village and said railway company.

How shares may be disposed of by counties and towns.

SECTION 7. All shares or the capital stock of the bonds, or other securities given by said railway companies to any county, town, incorporated city or village may be taken, held, sold and transferred by such county, town, incorporated city or village in the same manner and with like effect as can be done by individuals, and upon such terms and conditions as shall have been agreed upon between such county, town, incorporated city or village and the said railway company.

Tax to pay interest to be levied annually.

SECTION 8. Whenever any county, town, incorporated city or village shall issue any bonds, it shall be the duty of the proper officers of such county, town, incorporated city or village, to levy annually upon the property thereof, as aforesaid, a tax sufficient to pay the interest upon such bonds, and raise a sinking fund to pay the principal thereof, when the same shall become due and payable.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 5, 1869.

JOINT RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION, inviting the state officers and legislature of the state of Minnesota to visit the capital of Wisconsin during the session of the present legislature.

WHEREAS, The capital of our state is now connected by continuous railway communication with the capital of our sister state, Minnesota, therefore affording additional means for the interchange of friendly intercourse, and the promotion of common interests between the people of the two states, and

WHEREAS, A more extended personal acquaintance between the citizens of the two states, affording apportunities to compare thoughts and feelings, would tend to the development of mutual interests and the general prosperity of each; therefore

Resolved by the senate, the assembly concurring, That we hereby extend to the state officers and members of the legislature of the state of Minnesota, a cordial invitation to visit the legislature of Wisconsin, at the capital at Madison, at such time during the present session thereof, as may suit their convenience.

Resolved, That the governor be requested to forward a copy of these resolutions to each state officer, and to the presiding officer of each house of the legislature of the state of Minnesota.

Approved January 28, 1869.

NUMBER 2.

JOINT RESOLUTION, providing for an amendment to the constitution.

WHEREAS, The legislature of this state at its annual session for the year 1868, proposed and adopted by a vote of a majority

of the members elected to each of the two houses, amendments to the constitution in the following language:

Resolved by the assembly, the senate concurring, That section five of article five of the constitution of the state of Wisconsin is amended to read as follows: Section 5. The governor shall receive during his continuance in office, an annual compensation of five thousand dollars, which shall be in full for all traveling or other expenses incident to his duties; and

Be it further resolved by the assembly, the senate concurring, That section nine of article five of the constitution of the state Wisconsin is amended to read as follows: Section 9. The lieutenant governor shall receive during his continuance in office, an annual compensation of one thousand dollars; therefore,

Resolved by the assembly, the senate concurring, That the foregoing amendments to the constitution be and the same are hereby agreed to by this legislature.

Approved February 20, 1869.

NUMBER 3.

JOINT RESOLUTION, tendering thanks to the Milwaukee and St. Paul railway company and to S. S. Merrill, Esq., the superintendent thereof.

Resolved by the assembly, the senate concurring, That the thanks of this legislature are due to the Milwaukee and St. Paul railway company for their generous liberality and kindness in providing special trains to convey our distinguished guests, the members of the Minnesota legislature and state officers to and from this capitol. And we wish to express our great obligation to the careful and experienced superintendent, S. S. Merrill, Esq., whose politeness and courtesy rendered the excursion one of pleasure and enjoyment to all.

Resolved, That the speaker of this assembly be requested to send an engrossed copy of these resolutions, signed by himself and the president of the senate, to Mr. Merrill.

Approved March 3, 1869.

NUMBER 4.

JOINT RESOLUTION, relative to the improvement of the Fox and Wisconsin rivers.

WHEREAS, A complete survey of the Wisconsin river by the United States engineer department has shown that its channel can be so improved at a very moderate expense, as to afford unimpeded navigation from the Mississippi river to lake Michigan; and

WHEREAS, The proposed improvement becomes important to us as a means of promoting the interests of producers and consumers, by opening up to the agricultural districts of the northwest, the markets of the east through a cheap water communication by way of the lakes; and

WHEREAS, A memorial adopted by the convention held at Prairie du Chien, Wisconsin, November 10, 1868, already concurred in by this legislature, showing more particularly the great importance of this project to the nation, has been submitted to congress; therefore

Resolved by the senate, the assembly concurring, That the governor be, and he is hereby requested, as soon as consistent with the duties of his office, to attend upon the present session of congress, and urge upon the members thereof the necessity of an immediate and sufficient appropriation to secure such improvements, and to take such other steps to effect such object as to him may seem best.

Approved March 6, 1869.

NUMBER 5.

JOINT RESOLUTON, in regard to the St. Croix and Lake Superior railroad company.

Resolved by the senate, the assembly concurring, That the attorney general be and he is hereby instructed to institute the proper proceedings, at the earliest day practicable, to vacate the charter and annul the franchises of the St. Croix and Lake Superior railroad company, the said company having failed to comply with the provisions and requirements of chapter 95, general laws of 1868, entitled "an act to require railroad com-

panies receiving grants of land from the general government to locate their roads and select their lands within a certain time specified."

Approved March 6, 1869.

NUMBER 6.

JOINT RESOLUTION, ratifying the proposed amendment to the constitution of the United States.

WHEREAS, The congress of the United States has pursuant to article V of the constitution, proposed to the legislatures of the several states the following amendment to the constitution of the United States named Article Fifteen: "1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude. 2. The congress shall have power to enforce this artilce by appropriate legislation;" therefore,

Resolved by the senate and assembly of the state of Wisconsin, in legislature assembled, That the said article as such proposed amendment to the constitution of the United States be and the same is hereby ratified.

Approved March 9, 1869.

NUMBER 7.

JOINT RESOLUTION, proposing an amendment to the constitution of the state so as to authorize the abolishment of the grand jury system.

Resolved by the assembly, the senate concurring, That section eight of article 1 of the constitution of the state of Wisconsin be amended so as to read as follows:- Section 8. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presump-

tion great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

Approved March 9, 1869.

NUMBER 8.

JOINT RESOLUTION, proposing amendment to section 4, article 7 of the constitution.

Resolved by the assembly, the senate concurring, That section 4 of article 7 of the constitution be amended so as to read as follows: The supreme court of this state, with the jurisdiction and powers prescribed in this constitution, shall consist of five judges, to be hereafter elected by the qualified electors of the state, at such time and in such manner as the legislature may provide, and such court when so organized shall not be changed or discontinued by the legislature; and the justices of the supreme court now in office shall serve out the remainder of their respective terms of office as judges of the supreme court, and the judges of said court shall be so classified that but one of them shall go out of office at the same time, and the legislature shall at its first session after the adoption thereof, provide by law for the election of the two additional judges required hereby and their successors, and for the election of the sucessors of the judges now in office, and for classifying the two additional judges, so that one of them shall go out of office in eight years and the other in ten years. The term of office of each judge of the supreme court hereafter elected, except as herein otherwise provided, shall be ten years, and the judge of the supreme court having the shortest time to serve shall be chief justice of the supreme court.

Approved March 11, 1869.

MEMORIALS.

NUMBER 1.

MEMORIAL, to the congress of the United States on the improvement of the navigation of the Fox and Wisconsin rivers.

To the honorable, the senate and house of representatives of the United States in congress assembled:

The memorial of the legislature of Wisconsin respectfully represents:

That the project of connecting the Mississippi river and lake Michigan by navigable channels through the Wisconsin and Fox rivers, appears to your memorialist to be one of great importance to the country, and that in the prayer of the memorial in relation thereto, submitted to congress by the convention which met at Prairie du Chien, in Wisconsin, on the 10th day of November, A. D. 1868, your memorialist most fully concurs. Be it therefore

Resolved, by the senate of the state of Wisconsin, the assembly concurring, That the governor be and he is hereby authorized and requested to affix his official signature thereto and forward a copy of said memorial to the president of the United States, the president of the senate, the speaker of the house of representatives and to each of the senators and representatives in the congress of the United States.

Approved January 22, 1869.

NUMBER 2.

MEMORIAL to congress for the extension of the time for the construction of a railroad from St. Croix river or lake, to Superior and Bayfield, by the Northern Wisconsin railway company, organized by an act of the legislature of 1869, and for the continuance of the grant of lands to the state of Wisconsin, in aid thereof.

To the honorable the senate and house of representatives of the United States, in congress assembled:

The memorial of the people of Wisconsin, represented in senate and assembly, respectfully showeth:

That in the year 1856, a grant of public lands was made by congress to the state of Wisconsin, to aid in the construction of a railroad "from the St. Croix river or lake, between townships twenty-five and thirty-one, and from thence to the west end of lake Superior and to Bayfield," in said state.

That said grant embraced the odd numbered sections for six miles in width on each side of the line of said road, and the time for the completion of said road was limited to ten years from the date of said grant.

That in 1864, by an act of congress, the time for the completion of said railroad was extended four years, and also an additional grant of land, consisting of the odd numbered sections in four other miles of territory on each side of the line of said railroad, was made to aid in its construction.

That the state of Wisconsin has heretofore chartered two several railroad companies successively, and conferred upon them the said grant of land, upon condition of the completion of the said railroad, by them respectively, within the time fixed in the act of congress; but, that the said companies have each, in turn, failed to comply in any great degree, with the terms of their said charters and with the acts conferring upon them the said grants of lands, and that such delay and failure of the said companies, have rendered the state of Wisconsin incapable of securing the completion of the said railroad within the time fixed by act of congress.

That a thoroughly responsible and able number of capitalists are now applying to the legislature of the state of Wisconsin, for a railroad charter over the said route, and ask that the said grant of land be conferred upon them, to aid in the construction of such railroad; that they propose to enter into an adequate stipulation to complete at least twenty miles of

railroad each year; that under the provisions of the constitution of the state of Wisconsin, the legislature thereof can repeal said former charters and resume said grants of land, and can charter the proposed new company and confer upon it the said grant of land, and that in the opinion of your memorialists, all the wise reasons of public policy that existed for making the original grant and for its subsequent extension, now exist in greater force, for a further extension of the time for building the said road, and for a continuance of the grant of land in aid thereof.

Your memorialists, therefore, pray for such action on the part of your honorable body, as will extend the time for the completion of the said railroad, "from the St. Croix river or lake, between townships twenty-five and thirty-one, and thence to the west end of lake Superior and to Bayfield," and for a continuance of the grant of land heretofore made to aid in its construction, for such reasonable period, not less than five years, as your honorable body may determine; and that the extension of such grant of land be made to the state of Wisconsin, for the Northern Wisconsin railway campany.

Approved February 18, 1869.

NUMBER 3.

MEMORIAL to congress for a grant of land to build a wagon road.

To the honorable the congress of the United States:

Your memorialists, the legislature of the state of Wisconsin would most respectfully ask for a grant of lands to the state of Wisconsin, for the purpose of building a wagon road from the village of Chippewa Falls in Chippewa county, Wisconsin, to Ashland, in the county of Ashland, in the state of Wisconsin.

Your memorialists further respectfully represent that there is at present a large tract of country lying between Chippewa Falls and Ashland that is unsettled and unavailable, because of its inaccessibility, and the contemplated wagon road between the points mentioned will be the means of opening the country to emigrants who are desirous of settling there, and will result in great benefit to this state and to the general government.

And your memorialists will ever pray.

Approved March 11, 1869.

NUMBER 4.

MEMORIAL to congress to establish a port of entry at Superior, Wisconsin.

To the honorable the congress of the United States:

Your memorialists, the legislature of the state of Wisconsin would most respectfully ask the establishment of a port of entry at Superior, on Lake Superior, which is a much frequented haven at the northwest point of the state.

Your memorialists further respectfully represent that the establishing of said port of entry would be a great advantage and convenience to the numerous steam and sail vessels frequenting the port of Superior.

And your memorialists will ever pray.

Approved March 11, 1869.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book, have been compared with the originals, deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the captol, in Madison, this 26th day of April, 1869.

[L. S.]

THOS. S. ALLEN, *Secretary of State.*

LIST OF APPROPRIATIONS.

Date.	No.	To whom and for what appropriated.	Amount.
Feb. 17	1	L. B. Hills, services as secretary of state board of assessors	$30 00
Feb. 18	2	H. A. Lewis, services as clerk of circuit court where state was party	16 67
Feb. 20	3	G. C. Hazelton, Nelson Williams, Satterlee Clark, A. J. Turner, J. B. G. Baxter, Charles Pole, A. G. Kellam, D. W. Maxon and Luther Buxton, visiting committee of benevolent and reformatory institutions of this state, each $100	900 00
Feb. 20	4	W. H. Hamilton, services as sergeant-at-arms of state board of assessors	20 00
Feb. 24	5	Maria Kutzbock, for services of A. Kutzbock	3,500 00
Feb. 25	6	Edward S. Bragg, judgment for costs in supreme court	61 00
Feb. 25	7	George W. Stoner, services as clerk of state board of assessors	16 00
Mar. 3	8	W. J. Hadley, services as messenger of state boards of assessors	8 00
Mar. 3	9	La Fayette Kellogg, services as clerk of supreme court where state was party	276 50
Mar. 3	10	State prison, buildings, repairs and current expenses	40,000 00
Mar. 3	11	Henry F. Prentiss, services as attorney in behalf of state	500 00
Mar. 3	12	State reform school, for building, repairs and current expenses	25,000 00
Mar. 3	13	Soldiers' orphans' home, for buildings, repairs and current expenses	45,000 00
Mar. 5	14	Superintendent of public property, for purchase of stationery for state officers and legislature.	10,000 00
Mar. 5	15	James L. Singleton, reward for recovery of body of Gov. Harvey	1,000 00
Mar. 6	16	The governor, for contingent fund	3,000 00
Mar. 6	17	State hospital for insane, for buildings, repairs and current expenses	100,000 00
Mar. 6	18	St. Mary's hospital, Milwaukee	500 00
Mar. 6	19	St. Joseph's orphan asylum, Milwaukee	500 00
Mar. 6	20	Institute for the blind, for buildings, repairs and current expenses	18,500 00
Mar. 6	21	Protestant orphans' asylum, Milwaukee	500 00
Mar. 6	22	Wisconsin seaman's friend's society	1,000 00
Mar. 6	23	Milwaukee hospital	500 00

COUNTIES.	TERMS.	LAWS.
	THIRD JUDICIAL CIRCUIT.	
Marquette...	Tuesday after first Monday in September. Tuesday after first Monday in Feburary..	Chap 118, G. L. 1868.
Green Lake..	2d Monday in September..... 2d Monday in Feburary	Chap. 118, G L. 1868.
Dodge	4th Monday in September ..... 4th Monday in February..... Special terms may be called.....	Chap. 118, G. L. 1868. Chap. 161, 1868.
Washington .	3d Monday in October..... 3d Monday in March..... Special term second Monday in January.	Chap. 118, G. L. 1868. Chap. 194, 1864.
Ozaukee	1st Monday in November..... 1st Monday in April..... Special term second Monday in July.....	Chap. 118, G. L. 1868. Chap. 194, 1864.
	FOURTH JUDICIAL CIRCUIT.	
Sheboygan ..	1st Monday in March..... 1st Monday in June. ..... 4th Monday in November.....	Chap. 107, G. L. 1869.
Calumet.....	3d Monday in June..... 2d Monday in December.....	Chap. 107, G. L. 1869.
Manitowoc ..	4th Tuesday in June..... 3d Tuesday in December.....	Chap. 107, G. L. 1869.
Kewaunee...	4th Tuesday in January..... 4th Tuesday in July.....	Chap. 107, G. L. 1869.
Fond du Lac.	1st Monday after 1st day January..... 1st Monday in April..... 1st Monday in October..... Special term 1st Monday in May..... Special term 1st Monday in July..	Chap. 107, G. L. 1869.
	FIFTH JUDICIAL CIRCUIT.	
Grant	1st Monday in March..... 2d Monday in September.....	Chap. 6, G. L. 1868.
Iowa.....	4th Monday in March..... 1st Monday in October.....	Chap. 6, G. L. 1868.
La Fayette..	4th Monday in April..... 1st Monday in December.....	Chap. 6, G. L. 1868.
Richland....	2d Monday in April..... .. 4th Monday in October.....	Chap. 6, G. L. 1868.
Crawford....	1st Monday in June..... 2d Monday in November.....	Chap. 6, G. L. 1868.

COUNTIES.	TERMS.	LAWS.
	*SIXTH JUDICIAL CIRCUIT.	
Clark	1st Tuesday in March..... 1st Tuesday in September	Chap. 2, G. L. 1869.
Jackson.....	2d Tuesday in March..... 2d Tuesday in September.....	Chap. 2, G. L. 1869.
Monroe	4th Tuesday in March..... 4th Tuesday in September.....	Chap. 2, G. L. 1869.
La Crosse...	2d Tuesday in May..... 2d Tuesday in November	Chap. 2, G. L. 1869.
Vernon	2d Monday in June ..... 1st Monday in December	Chap. 2, G. L. 1869.
Buffalo	1st Tuesday in May..... 3d Tuesday in October	Chap. 2, G. L. 1869.
Trempealeau	4th Tuesday in April ..... 2d Tuesday in October	Chap. 2, G. L. 1869.
	SEVENTH JUDICIAL CIRCUIT.	
Marathon ...	2d Monday in March..... 3d Monday in August	Ch. 369, G. L. '62 Ch. 350, G. L. '64
Portage	1st Monday in January ..... 1st Monday in July	Chap. 10, G. L. 1869.
Waushara ..	2d Monday in April..... 4th Monday in September.....	Chap. 369, G. L. 1862.
Waupaca ...	1st Monday in June ..... 2d Monday in December.....	Chap. 48, G. L. 1867.
Adams.....	4th Monday in April..... 3d Monday in October	Chap. 369, G. L. 1862.
Juneau	1st Monday in May..... 4th Monday in October	Chap. 369, G. L. 1862.
Wood	2d Monday in February..... 2d Monday in August	Chap. 98, G. L. 1867.
	EIGHTH JUDICIAL CIRCUIT.	
Chippewa ...	3d Monday in March ..... 3d Monday in September	Chap. 34, G. L. 1868.
Dunn and Dallas	2d Monday in March ..... 2d Monday in September	Chap. 34, G. L. 1868.

*Regular terms in the counties of La Crosse, Monroe and Jackson counties shall be special terms for the whole circuit, (Chap. 93, P. and L. L., 1866.)

COUNTIES.	TERMS.	LAWS.
	EIGHTH JUDICIAL CIRCUIT—continued.	
Eau Claire ..	4th Monday in March 4th Monday in September	Chap. 34, G. L. 1868.
Pepin	1st Monday in March 1st Monday in September	Chap. 34, G. L. 1868.
Pierce.....	4th Monday in May 4th Monday in November	Chap. 116, R. S.
St. Croix....	2d Monday in May 2d Monday in November	Chap. 116, R. S.
	NINTH JUDICIAL CIRCUIT.	
Columbia ...	3d Tuesday in May 1st Tuesday in December	Chap. 149, G. L. 1867.
Dane.....	Wednesday after 1st Monday in April Wednesday after 1st Monday in November Special term 2d Tuesday in July	Chap. 9, G. L. 1869. Ch. 149, G. L. '67
Jefferson ...	1st Monday in February 1st Monday in September Special term 4th Tuesday in June	Chap 180, G. L. 1869. Ch. 149, G. L. '67
Sauk	Tuesday after 1st Monday in January 2d Tuesday in June	Ch. 556, P. L. '66 Ch. 149, G. L. '67
	* TENTH JUDICIAL CIRCUIT.	
Outagamie ..	3d Monday in June 4th Monday in November	Chap. 29, G. L. 1869.
Oconto	1st Tuesday after 1st Monday in May 1st Tuesday after 1st Monday in October	Chap. 29, G. L. 1869.
Winnebago..	2d Monday in March 2d Monday in September 2d Monday in December	Chap. 29, G. L. 1869.
Shawano....	1st Tuesday after 1st Monday in February Tuesday after 1st Monday in August	Chap. 29, G. L. 1869.
Door	1st Tuesday after 3d Monday in July 1st Tuesday after 3d Monday in February	Chap. 29, G. L. 1869.
Brown.....	2d Monday in January 4th Monday in May 4th Monday in October	Chap. 29, G. L. 1869.

* Every term in each county except the counties of Oconto, Shawano and Door are special terms for the whole circuit. (Chap. 39, P. & L., 1866.)

COUNTIES.	TERMS.	LAWS.
	ELEVENTH JUDICIAL CIRCUIT.	
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Douglas.....	1st Monday in February..... 1st Monday in August.....	Chap. 26, G. L. 1867.
Polk and.... Burnett.....	2d Monday in April ..... 4th Monday in October.....	Chap. 26, G. L. 1867.

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